

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 12TH DAY OF JANUARY 2015/22ND POUSHA, 1936

Crl.MC.No. 149 of 2015 ()

**CC.NO. 842/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-1, VARKALA
CRIME NO. 455/2012 OF KADAKKAVOOR POLICE STATION , THIRUVANANTHAPURAM**

PETITIONER(S)/ACCUSED:

1. ASHARAF, AGED 52 YEARS,
S/O.SHAKHEER KANNU, A.S.BUILDING, PERUNGULAM,
PERUNGULAM DESOM, KEEZHATTINGAL VILLAGE,
THIRUVANANTHAPURAM.
2. SOFI, AGED 44 YEARS,
W/O.ASHARAF, A.S.BUILDING, PERUNGULAM,
PERUNGULAM DESOM, KEEZHATTINGAL VILLAGE,
THIRUVANANTHAPURAM.
3. SHAN, AGED 28 YEARS,
S/O.ASHARAF, A.S.BUILDING, PERUNGULAM,
PERUNGULAM DESOM, KEEZHATTINGAL VILLAGE,
THIRUVANANTHAPURAM.
4. SHIBIN, AGED 26 YEARS,
W/O.ASHARAF, A.S.BUILDING, PERUNGULAM,
PERUNGULAM DESOM, KEEZHATTINGAL VILLAGE,
THIRUVANANTHAPURAM.

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN**

RESPONDENT(S)/COMPLAINANT/STATE:

1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM (CRIME NO.455/2012 OF KADAKKAVOOR
POLICESTATION) C.C.NO.842/2012 JFCM-I, VARKALA).
2. JOPHI BASHEER, AGED 39 YEARS,
D/O.RASHEELA BEEVI, B.J.LAND, PERUMKULAM,
PERUMKULAM DESOM, KEEZHATTINGAL VILLAGE,
THIRUVANANTHAPURAM, PIN - 695 102.

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS
R2 BY ADV. SRI.VINOD KUMAR.C**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 149 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX-I: CERTIFIED COPY OF THE CHARGE SHEET IN CC NO.842/2012 BEFORE
THE JUDICIAL MAGISTRATE OF FIRST CLASS-I, VARKALA.**

**ANNEX-II: ORIGINAL AFFIDAVIT SWORN BY THE SECOND
RESPONDENT/DEFACTO COMPLAINANT DATED 22.9.2014**

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.A.TO.JUDGE

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K.ABRAHAM MATHEW, J.

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Crl.M.C.No.149 of 2015.

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Dated this the 12th day of January, 2015.

O R D E R

The petitioners are accused in CC.No.842/2012 on the file of the Judicial Magistrate of the First Class-I, Varkala. They have allegedly committed the offences under Sections 452, 427 and 506 IPC. It is submitted that the matter has been settled between the parties concerned and the proceedings in the criminal case may be quashed.

2. Heard the learned counsel for the petitioners and of the 2nd respondent and the learned Public Prosecutor.

3. The first and second petitioners are husband and wife and the other petitioners are their children. The defacto complainant who is the 2nd respondent is the sister of the second petitioner. The second respondent has entered appearance through a counsel and filed an affidavit to the effect that the matter has been settled between the parties and she has no objection to the proceedings in the

criminal case being quashed. I have perused the affidavit and the allegations in the final report. I am satisfied that no public interest is involved in this case.

4. In the result, this petition is allowed. The proceedings in CC.No.842/2012 on the file of the Judicial Magistrate of the First Class-I, Varkala are quashed. If any material objects have been produced in the case, the learned Magistrate may pass appropriate orders for their disposal.

Sd/-
K.ABRAHAM MATHEW,
(Judge)

Kvs/-

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