

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

Crl.MC.No. 222 of 2015

**CC.NO.8/2012 OF CHIEF JUDICIAL MAGISTRATE COURT, THIRUVANANTHAPURAM
CRIME NO. 413/2011 OF MUSEUM POLICE STATION, THIRUVANANDAPURAM**
.....

PETITIONER(S)/1ST ACCUSED:

**MOHAMMED RAFI,
S/O. MOHAMMED IQBAL,
PRESENTLY RESIDING AT HOUSE NO. B 10,
KOWDIAR GARDENS, GOLF LINKS ROAD, KOWDIAR P.O.,
THIRUVANANTHAPURAM - 695 003.**

**BY ADVS.SRI.MOHAN JACOB GEORGE
SMT.P.V.PARVATHI
SMT.REENA THOMAS**

RESPONDENT(S)/STATE:

**1. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
(FOR SUB INSPECTOR OF POLICE,
MUSEUM POLICE STATION, THIRUVANANTHAPURAM) 682 031.**

**2. MARIAMMA JACOB,
W/O.C.C. JACOB, HOUSE NO.3, RAJALAKSHMY NAGAR,
PATTOM, THIRUVANANTHAPURAM - 695 004.**

**R1 BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.
R2 BY ADVS. SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
19-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1: CERTIFIED COPY OF THE FIR IN CRIME NO.413/2011 OF MUSEUM
POLICE STATION, THIRUVANANTHAPURAM.**

**ANNEXURE A2: COPY OF THE FINAL REPORT FILED BY THE POLICE IN ANNEXURE
A1.**

**ANNEXURE A3: COPY OF THE FINAL ORDER DATED 31.1.2013 IN CC.NO.68/2012 OF
THE CONSUMER DISPUTES REDRESSAL FORUM,
THIRUVANANTHAPURAM.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B. KEMAL PASHA, J.

Crl.M.C.No.222 OF 2015

Dated this the 19th day of January, 2015

O R D E R

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The accused in C.C.No.8/2012 on the file of the Chief Judicial Magistrate's Court, Thiruvananthapuram, presently pending as L.P.No.10/2013 which has arisen from Crime No.413/2011 of the Museum Police Station, Thiruvananthapuram, is the petitioner herein. The petition has come up under Section 482 Cr.P.C. for getting all further proceedings in Crime No.413/2011 of the Museum Police Station from which C.C.No.8/2012 of the Chief Judicial Magistrate's Court, Thiruvananthapuram has arisen, which is presently pending as L.P.No.10/2013 of the said court, quashed.

2. The allegation against the petitioner is that he had cancelled the return ticket of CW1 and CW2 obtained from CW3 for coming back from the United States of America, without the knowledge and consent of CW1 and CW2 thereby they were stranded in U.S.A. as they could not return from there by making use of those return tickets procured by them through

the petitioner. Final report has been filed in the matter alleging an offence under Section 420 IPC.

3. According to the petitioner, the matter has been amicably settled between the parties and he has discharged the entire claims of CW1 and CW2 in the matter.

4. The defacto complainant has entered appearance. The de facto complainant has filed a detailed affidavit stating that their entire claims have been settled and the matter in dispute between the petitioner and the de facto complainant has been amicably settled and presently the de facto complainant has no complaints against the petitioner. The learned counsel for the de facto complainant also endorses the fact that the affidavit has been sworn in by the de facto complainant on her own volition. When the matter in question has been amicably settled and the amounts have been discharged by the petitioner, and especially when the de facto complainant has no complaints against the petitioner, I am of the view that there is no meaning in proceeding with the matter and, therefore, all further proceedings in Crime No.413/2011 pending as C.C.No.8/2012 before the Chief Judicial Magistrate's Court,

Thiruvananthapuram, which is presently pending as L.P.No.10/2013, can be quashed.

5. In the result, this Crl.M.C is allowed and all further proceedings in Crime No.413/2011 pending as C.C.No.8/2012 before the Chief Judicial Magistrate's Court, Thiruvananthapuram, which is presently pending as L.P.No.10/2013, are hereby quashed.

**sd/-**  
**B.KEMAL PASHA, JUDGE.**

ps/19/1/2015

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//True copy//

PA to Judge