

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

Crl.MC.No.289 of 2015

**CC NO.488/2012 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
VADAKARA
CRIME NO.227/2012 OF VATAGARA POLICE STATION,KOZHIKODE.**

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PETITIONER/ACCUSED:

**ABDUL AZIZ,S/O.IBRAHIM HAJI,AGED 42 YEARS,
THAYYULLATHIL HOUSE,POMMERIPARAMBU P.O.,
VIYAPPALLI,KOZHIKODE DISTRICT.**

BY ADV. SRI.U.K.DEVIDAS

RESPONDENTS/COMPLAINANT/DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PRPSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.**
- 2. SAFIYA N.K.,W/O.AMMAD,AGED 40 YEARS,
PULIKKOOL HOUSE,PONMERIPARAMBU P.O.
VIYAPPALLI,KOZHIKODE DISTRICT-673542.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS.
R2 BY ADV.SMT.P.M.SHAHIDA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 13-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

Crl.MC.No.289 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE 1:TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME
NO.227/2012 OF VADAKARA POLICE STATION DATED 16.1.2010.**

**ANNEXURE II:CERTIFIED COPY OF THE FINARL REPORT IN C.C.NO.488/2012
ON THE FILES OF THE J.F.C.M. COURT,VADAKARA.**

ANNEXURE III:ORIGINAL OF THE AFFIDAVIT DATED 03.01.2015.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

B.KEMAL PASHA, J.

.....
CRL. M.C. No.289 of 2015

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Dated this the 13th day of March, 2015

ORDER

The accused in C.C.No.488/2012 on the file of the Judicial First Class Magistrate's Court, Vadakara, which has arisen from Crime No.227/2012 of the Vadakara Police Station, has come up under Section 482 Cr.P.C. for getting Annexure-II Final Report in Crime No.227/12 of the Vadakara Police Station, and all further proceedings based on it in C.C.488/2012 of the Judicial First Class Magistrate's Court, Vadakara, quashed. C.C.488/2012 is pending for the offences punishable under Sections 448, 341, 323, 324, 294 (b) and 354 of the Indian Penal Code.

2. The allegation against the petitioner is that on 07.03.2012 at 1 p.m., he trespassed into the veranda of the

house of CW1 woman, abused her and slapped her. It is also alleged that he had caught hold of her hair and caused her head to hit on the wall and also he tore away her purdah and caught on her chest thereby outraging her modesty. According to the petitioner, the matter has been amicably settled between him and the defacto complainant, who is the 2nd respondent herein.

3. The 2nd respondent also entered appearance and filed an affidavit affirming that the matter has been settled between them and presently she has no complaints against the petitioner. She has also prayed for getting all proceedings in the criminal case, quashed.

4. Heard learned counsel for the petitioner, learned counsel for the defacto complainant and the learned Public Prosecutor.

5. Parties are neighbours. When the matter has been amicably settled between the parties, there is no meaning in proceeding further in the matter. Therefore, I am

of the view that the proceedings based on Annexure-II Final Report in Crime No.227/12 of the Vadakara Police Station and the consequent proceedings based on it in C.C.488/2012 of the Judicial First Class Magistrate's Court, Vadakara, can be quashed.

In the result, this CrI.M.C. is allowed and Annexure-II Final Report in Crime No.227/12 of the Vadakara Police Station and all further proceedings based on it in C.C.488/2012 of the Judicial First Class Magistrate's Court, Vadakara, are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge