

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

Crl.MC.No. 312 of 2015 ()

**IN CC 2044/2011 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ERNAKULAM
CRIME NO. 1704/2009 OF PALARIVATTOM POLICE STATION, ERNAKULAM**

**PETITIONER(S)/2ND ACCUSED IN C.C.2044/2011 ON THE FILE OF THE JFCM COURT-I,
ERNAKULAM.:**

**AJIFER, AGED 21 YEARS
S/O.KASSIM, THAYYATTUPARAMBIL HOUSE, KOTTAMKAVU ROAD
VENNALA, EDAPPALLY SOUTH VILLAGE
ERNAKULAM DISTRICT-682028.**

**BY ADVS.SRI.C.Y.VINOD KUMAR
SRI.P.M.MANASH**

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

**1. STATE OF KERALA
(REP. BY THE SUB INSPECTOR OF POLICE
PALARIVATTOM POLICE STATION - CR.NO.1704/2009 OF ERNAKULAM
PALARIVATTOM POLICE STATION) REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.**

**2. VIPIN NARAYANAN,, AGED 31 YEARS
S/O.ARUNKUMAR, RESIDING AT VIZHNUVIJAYAM VEEDU
KADUVAL BHAGOM, PERUMBAVOOR VILLAGE
KUNNATHUNADU TALUK, ERNAKULAM DISTRICT-683542.**

**R2 BY ADV. SRI.PRASOBH P.S.
R1 BY PUBLIC PROSECUTOR SMT. S.HYMA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 16-01-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 312 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1 : CERTIFIED COPY OF THE FINAL REPORT IN C.C.2044/2011
(CR.NO.1704/2009 OF PALARIVATTOM POLICE STATION) PENDING ON THE FILE OF
THE JUDICIAL FIRST CLASS MAGISTRATE'S COURT-I, ERNAKULAM.**

**ANNEXURE A2 : AFFIDAVIT SWORN BY THE DEFACTO COMPLAINANT DATED 15-12-
2014.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

**PA TO JUDGE
sab**

P.UBAID, J.

Crl. M.C No.312 of 2015

Dated this the 16th day of January, 2015.

O R D E R

The petitioner herein is the second accused in Crime No.1704/2009 of the Palarivattom Police Station, registered under Sections 379 and 34 of IPC. The case is now pending as C.C No.2044/2011 before the Judicial First Class Magistrate Court- I, Ernakulam. The first accused pleaded guilty to the charge, and received a conviction. The second accused now seeks orders quashing the prosecution on the ground that he and the complainant have come to terms amicably. The second respondent herein is the de facto complainant. He has filed affidavit to the effect that he has settled the dispute with the accused, and he has no grievance or complaint. I find that there is a real settlement between the parties. In such a situation, the prosecution need not continue. The offence is in fact compoundable.

In the result, this petition is allowed. The prosecution against the petitioner in C.C No.2044/2011 of the Judicial First Class

Magistrate Court-I, Ernakulam will stand quashed under Section 482 Cr.P.C, and the bail bond, if any, executed by him will stand discharged.

P.UBAID,
JUDGE

sab