

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

Cr1.MC.No. 360 of 2015

IN CC 540/2012 OF THE JUDICIAL FIRST CLASS MAGISTRATE -II,
HOSDRUG

CRIME NO. 201/2004 OF VELLARIKUNDU POLICE STATION, KASARGOD

PETITIONER/ACCUSED:

MANZUR ALI,
S/O.MOHAMMED M.K, M.K HOUSE, KONNAKKAD,
MALOM VILLAGE, VELLARIKUNDU, KASARAGOD DIST.

BY ADV. SRI.GOPAKUMAR R.THALIYAL

RESPONDENTS/RESPONDENTS:

1. K.K.MUHAMMED @ KULAPURAM MULLAPPALLI MOHAMMED,
AGED 75 YEARS,
S/O.ABDULLA, ALAMMUKKU,
PERUVALATHPARAMBA P.O, IRIKKOOR, KANNUR DIST
PIN-670593

2. STATE OF KERALA
REP BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, KOCHI-682031

R1 BY ADV. SRI.N.P.PRAJEESH
R2 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 360 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE I:- CERTIFIED COPY OF THE FIRST INFORMATION REPORT DTD 29/9/2004 IN CRIME NO 201/2004 OF VELLARIKUNDU POLICE STATION, KASARAGOD DIST.

ANNEXURE II:-CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO 201/2004 OF VELLARIKUNDU POLICE STATION, KASARAGOD DIST

ANNEXURE III:-AFFIDAVIT DTD 6/1/2015 DULY PREPARED AND SIGNED BY THE 1ST RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.360 of 2015

Dated this the 20th day of January, 2015

O R D E R

The petitioner herein is the original 2nd accused in Crime No.201/2004 of the Vellarikundu Police Station, registered under Sections 323 and 324 of IPC. After investigation, the police submitted final report under Sections 323 and 326 of IPC. The original 1st accused faced trial and obtained a judgment of acquittal. The case against the petitioner herein was split up and refiled when he remained absent consistently, and it is now pending as C.C No.540/2012 before the Judicial First Class Magistrate Court II, Hosdurg. He now seeks orders quashing the prosecution on the ground that continuance of prosecution will not serve any purpose. The defacto complainant who preferred the complaint is the 1st respondent herein. He has filed affidavit to the effect that he has settled the whole dispute with the accused, and he has no grievance or complaint now. I am well satisfied that there is a real and genuine settlement between the parties. The 1st accused already stands acquitted on trial. Now the defacto

complainant is not interested in prosecuting the matter, and the whole dispute now stands settled on the intervention of persons acceptable to both sides. I find that continuance of prosecution in such a situation will not serve any purpose, other than wasting the precious time of the court.

In the result, this Criminal Miscellaneous Case is allowed. The prosecution against the petitioner herein in C.C No.540/2012 before the Judicial First Class Magistrate Court II, Hosdurg, will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

**P.UBAID
JUDGE**

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