

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

Crl.MC.No. 385 of 2015 ()

**CC.NO. 2560/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-1, KASARAGOD
CRIME NO. 55/2014 OF BADIADKA POLICE STATION, KASARGOD DISTRICT**

PETITIONER/ACCUSED:

**IBRAHIM KHALEEL, AGED 34 YEARS,
S/O.MOHAMMED, VOLAMALA HOUSE, PERDALA,
BADIADKA VILLAGE, KASARAGOD.**

BY ADV. SRI.S.JIJI

RESPONDENT(S)/DE-FACTO COMPLAINANT & STATE:

**1. THAHIRA, W/O.HAREES,AGED 30 YEARS,
VOLAMALA HOUSE, PERDALA,
BADIADKA VILLAGE, KASARAGOD-671 123.**

**2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

R1 BY ADV. SMT.K.S.SANTHI

R2 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 385 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A1 : FINAL REPORT IN CR.55/2014 OF BADIADKA POLICE STATION FILED
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT I,
KASARAGOD.**

ANNEX A2(A) : AFFIDAVIT DT. 01-11-2015 SWORN BY THE 1ST RESPONDENT.

RESPONDENT(S)' ANNEXURES: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

B.KEMAL PASHA, J.

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Crl.M.C. No.385 of 2015

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Dated this the 12th day of February, 2015

ORDER

The accused in C.C.No.2560/2014 of the Judicial First Class Magistrate's Court-I, Kasaragod, which has arisen from Crime No.55/2014 of the Badiadka Police Station, for the offences punishable under Sections 341, 452 and 354 of the Indian Penal Code, has come up under Section 482 Cr.P.C, for getting Annexure-A1 Final Report and consequent proceedings in C.C.No.2560/2014 pending before the Judicial First Class Magistrate's Court – I, Kasaragod consequent to Crime No.55/2014 of the Badiadka Police Station, quashed.

2. The allegation against the petitioner is that on 20.01.2014 at 1.00 a.m., he gained entry by way of house trespass into a portion of the house of the de facto complainant woman, caught hold of her and

outraged her modesty by catching on her private parts.

3. According to the petitioner, the matter has been amicably settled between him and the first respondent, who is the de facto complainant and presently the de facto complainant has no complaints against him.

4. The 1st respondent has entered appearance and filed a detailed affidavit affirming that the matter has been settled and the allegations were raised against the petitioner by her on a misunderstanding as the incident had occurred during night. According to the de facto complainant, she has no complaints against the petitioner and she has also prayed for quashing the proceedings. The learned counsel for the first respondent also endorses the fact that the affidavit has been sworn in by the de facto complainant on her own volition.

5. When the matter has been amicably settled

between the parties, and when there is no allegation that there were earlier attempts from the part of the petitioner to commit any such offence, I am of the view that this Crl.M.C can be allowed.

In the result, this Crl.M.C is allowed and Annexure-A1 Final Report in Crime No.55/2014 of the Badiadka Police Station and all further proceedings based on it, in C.C.No.2560/2014 pending before the Judicial First Class Magistrate's Court – I, Kasaragod, are hereby quashed

Sd/-
B.KEMAL PASHA, JUDGE

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