

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

CrI.MC.No. 500 of 2015 ()

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CP. NO.9/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II,
THAMARASSERY.**

CRIME NO. 837/2013 OF MUKKOM POLICE STATION.

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PETITIONER/ACCUSED:

**ABDUL HAMEED, S/O. ABUBAKKER,
MEHFIN HOUSE, CHERUVALATH,
KOLATHOOR P.O., NANMANDA VILLAGE,
KOZHIKODE TALUK, KOZHIKODE DISTRICT.**

BY ADV. SRI.LUIZ GODWIN DCOUTH.

RESPONDENTS/DE FACTO COMPLAINANT:

**1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
REPRESENTING THE S.I. OF POLICE,
MUKKOM POLICE STATION.**

**2. FATHIMABI, AGED 45 YEARS,
W/O. ABDUL HAMEED, MALANKUNNU HOUSE,
MYSOREMALA P.O., KODIYATHOOR AMSOM,
KOZHIKODE DISTRICT - 673 001.**

R1 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS.

R2 BY ADV. SRI.JOSE KURIAKOSE (VILANGATTIL).

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE A COPY OF THE F.I.R. IN CRIME NO.837/2013 OF MUKKOM
POLICE STATION.**
- ANNEXURE B COPY OF THE FINAL REPORT IN CRIME NO.837/2013 OF
MUKKOM POLICE STATION.**
- ANNEXURE C COPY OF THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT.**
- ANNEXURE D COPY OF THE WOUND CERTIFICATE DATED 23/11/2013 OF
THE 2ND RESPONDENT.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

B.KEMAL PASHA, J.

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CRL.M.C. No.500 of 2015

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Dated this the 29th day of January, 2015

ORDER

The accused in C.P.No.9 of 2014 of the Judicial First Class Magistrate's Court-II, Thamarassery, which has arisen from Crime No.837 of 2013 of the Mukkam Police Station, has come up under Section 482 Cr.P.C., for getting the proceedings against him, quashed.

2. The crime has been registered and the Final Report has been filed for the offences under Sections 450, 324 and 307 IPC. The defacto complainant is none other than the wife of the petitioner. On account of the constant harassment meted out towards her from the part of the petitioner, they were living separately. It is alleged that on 19.11.2013 at 9.00 p.m., the petitioner committed house trespass into the house, wherein the defacto complainant was residing, with a view to committing her murder, and he

inflicted serious injuries on her head by cutting with a chopper. Other injuries also were inflicted on her.

3. According to the petitioner, all the disputes between the petitioner and the defacto complainant have been settled and presently, they have decided to live separately.

4. It seems that the petitioner could procure a condonation from the unwilling victim and an affidavit has been filed stating that the matter has been settled. At the same time, considering the seriousness of the allegations against the petitioner in the matter, I am of the view that this is a matter which cannot be permitted to be compounded. Matters being so, this Crl.M.C. is not maintainable. It is only to be dismissed and I am doing so.

In the result, this Crl.M.C. is dismissed.

Sd/-
B. KEMAL PASHA
JUDGE

DSV/29/1/15

CRL.M.C.No.500 of 2015

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