

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

Crl.MC.No. 585 of 2015

IN LP 15/2010 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT II,
ERNAKULAM
CRIME NO. 617/2001 OF ERNAKULAM CENTRAL POLICE STATION ,
ERNAKULAM

PETITIONER/ACCUSED:

SHAJI, AGED 34 YEARS,
S/O. YOUSUF, MANALIL THAYIL HOUSE,
NEAR UPPALATHU MAZJID, PERINGADI DESOM,
MAHI VILLAGE
PONDICHERRY TALUK, KANNUR DISTRICT.

BY ADV. SRI.IEANS.C.CHAMAKKALA

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM - 682 031.
2. MURALEEDHARAN, AGED 66 YEARS,
S/O. NARAYANA MENON, HOUSE NO. 55/376,
KALATHIPARAMBU HOUSE, KALATHIPPARAMBU LANE,
ERNAKULAM DISTRICT - 682 011.

R2 BY ADV. SRI.T.B.MOHAMMED ANVARSHAH
R1 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 585 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

A1 - CERTIFIED COPY OF THE CHARGE SHEET

A2 - AFFIDAVIT OF THE 2ND RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.585 of 2015

Dated this the 30th day of January, 2015

O R D E R

The petitioner herein seeks orders under Section 482 of the Cr.P.C, quashing the prosecution against him, which now stands transferred to the register of long pending case as L.P No.15/2010 before the Judicial First Class Magistrate Court II, Ernakulam. The offence involved is under Section 379 IPC which is compoundable under the law. In such a situation where the offence is compoundable, the parties will have to approach the learned Magistrate with necessary application under Section 320 of Cr.P.C. I do not think that the learned Magistrate will stand in the way of composition, or that the learned Magistrate will remand the petitioner to judicial custody when the parties have settled the dispute amicably and composition is filed under the law. If composition is filed, it will be properly and legally dealt with by the learned Magistrate.

With these observations this Crl.M.C is closed.

**P.UBAID
JUDGE**

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