

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

Crl.MC.No. 946 of 2015

**CC 1458/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II,HOSDRUG.
CRIME NO. 463/2012 OF BEKAL POLICE STATION, KASARGOD.**
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PETITIONER(S)/ACCUSED:

- 1. ABDULLA A.K. AGED 54 YEARS,
S/O.ABDUL KHADER, ZAIBANA MANZIL,
KOTTAVALAPPU, ADUKKATHU VAYAL,
MOGRAL VILLAGE, KASARAGOD.**
- 2. NOUSHAD A.K, AGED 30 YEARS,
S/O.ABDULLA, ZAIBANA MANZIL,
KOTTAVALAPPU, ADUKKATHU VAYAL,
MOGRAL VILLAGE, KASARAGOD.**
- 3. NAZEER A.K., AGED 27 YEARS,
S/O.ABDULLA, ZAIBANA MANZIL,
KOTTAVALAPPU, ADUKKATHU VAYAL,
MOGRAL VILLAGE, KASARAGOD.**

BY ADV. SRI.A.ARUNKUMAR

RESPONDENT(S)/COMPLAINANT/STATE:

- 1. SHAREEF A., AGED 32 YEARS,
S/O.MUHAMMED KUNHI,
R/AT BAITH-AL-RAHMANIYA
KOTTAYIL HOUSE, MELPARAMBA,
KALANAD VILLAGE, KASARAGOD - 671 317.**
- 2. RASIYA.A., AGED 46 YEARS,
S/O.MUHAMMED KUNHI,
R/AT BAITH-AL-RAHMANIYA KOTTAYIL HOUSE,
MELPARAMBA, KALANAD VILLAGE,
KASARAGOD - 671 317.**

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3. MUHAMMED KUNHI, AGED 70 YEARS,
S/O.ABDULLA, R/AT BAITH-AL-RAHMANIYA KOTTAYIL HOUSE,
MELPARAMBA, KALANAD VILLAGE, KASARAGOD - 671 317.
4. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM -682 031.

R1 TO R3 BY ADV. SRI.V.MADHUSUDHANAN
R4 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 19-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

mbr/

APPENDIX

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ANNEXURE-AI: A TRUE COPY OF THE F.I.R IN CRIME NO.463 OF 2012 OF BEKAL POLICE STATION, KASARAGOD.

ANNEXURE-AII: A TRUE COPY OF THE FINAL REPORT IN CRIME NO.463 OF 2012 OF BEKAL POLICE STATION, KASARAGOD.

ANNEXURE-AIII: A TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE RESPONDENTS 1 TO 3 ENDORSING THE FACTUM OF SETTLEMENT.

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/TRUE COPY/

P.S. TO JUDGE

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B.KEMAL PASHA, J.

Crl.M.C. No.946 of 2015 D

Dated this the 19th day of March 2015

ORDER

The accused in C.C. No.1458/2013 of Judicial First Class Magistrate's Court - II, Hosdurg, which has arisen from crime No.463/2012 of Bekal police station, Kasaragod registered for the offences punishable under sections 452, 323, 324 and 326 read with Section 34 of the I.P. C., have come up under Section 482 of Code of Criminal Procedure for getting Annexure-AII final report in the crime and all further proceedings based on it in C.C. No.1458/2013, quashed.

2. The prosecution case is that on 11.8.2012 at 7.30 p.m., they, who are the father-in-law and brothers-in-law of the *defacto complainant*/first respondent herein, had committed house trespass

into the house of the first respondent and slapped him. It is alleged that the third petitioner beat the *defacto complainant* with a chair and at that time, CW2/second respondent, who is the sister of the first respondent intervened for his rescue. Then the second petitioner beat her with the pipe of the curtain, thereby she sustained a fracture on one of her teeth.

3. According to the petitioners, the matter has been amicably settled between them and CWs 1 to 3 and presently CWs 1 to 3, who are respondents 1 to 3 herein, have no complaints against the petitioners.

4. CWs 1 to 3 have entered appearance and filed an affidavit affirming that the matter has been amicably settled between them and the petitioners. The parties are close relatives. No purpose will be served in proceeding with the matter further. The incident had occurred on some domestic affairs. Matters being so, I am of the view that Annexure-AII final report in crime No.463/2012 of

the Bekal police station and all proceedings in C.C. No.1458/2013 pending before the Judicial First Class Magistrate's Court-II, Hosdurg, can be quashed.

In the result, this Crl.M.C. allowed. Annexure-AII final report in crime No.463/2012 of the Bakal police station and all proceedings in C.C. No.1458/2012 pending before the Judicial First Class Magistrate's Court-II, Hosdurg, are quashed.

Sd/-
B.KEMAL PASHA,
JUDGE

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// TRUE COPY //

PA to Judge