

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

Crl.MC.No. 1077 of 2015

**CC 1448/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, MALAPPURAM
CRIME NO. 169/2014 OF MALAPPURAM POLICE STATION, MALAPPURAM**
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PETITIONER(S)/ACCUSED:

1. SHAHALA, AGED 22 YEARS,
D/O.ABDURASAK, CHERIKKAKKATTIL HOUSE,
VADAKKANGARA AMSOM, MAKKARAPARAMBU P.O.,
MALAPPURAM DISTRICT.
2. SULAIKA, AGED 42 YEARS
W/O.ABDURASAK, CHERIKKAKKATTIL HOUSE,
VADAKKANGARA AMSOM, MAKKARAPARAMBU P.O.,
MALAPPURAM DISTRICT.
3. MOHAMMED RASHID, AGED 19 YEARS,
S/O.ABDURASAK, CHERIKKAKKATTIL HOUSE,
VADAKKANGARA AMSOM, MAKKARAPARAMBU P.O.,
MALAPPURAM DISTRICT.
4. RASHEED ALI, AGED 26 YEARS,
S/O.MOHAMMED, PALLIYALIL HOUSE, MAKKARAPARAMBU,
KALAVU, MALAPPURAM DISTRICT.

BY ADV. SRI.K.C.ANTONY MATHEW

RESPONDENT(S)/STATE AND DEFACTO-COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.
2. RAMLA, AGED 43 YEARS,
W/O UMMER, PALEMPADIYAN HOUSE, VAZHAKKETTERI
KOOTILANGADI-676 521, MALAPPURAM DISTRICT.

**R1 BY PUBLIC PROSECUTOR SMT.REMA R.
R2 BY ADV. SRI.P.SAMSUDIN**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
09-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 1077 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE-A1 TRUE COPY OF FINAL REPORT IN CRIME NO.169/2014 OF
MALAPPURAM POLICE STATION.**

ANNEXURE-A2 TRUE COPY OF THE AGREEMENT DATED 04-07-2014.

ANNEXURE-A3 THE AFFIDAVIT SWORN IN BY 2ND RESPONDENT DATED 13-09-2014.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.A.TO JUDGE

Msv/

K. ABRAHAM MATHEW, J.

Crl.M.C. No.1077 of 2015

Dated this the 9th day of June 2015

O R D E R

Petition filed under Sec.482 Cr.P.C.

2. Petitioners are accused in C.C. No.1448 of 2014 on the file of the Judicial First Class Magistrate Court, Malappuram. They are charged with having committed the offences under Secs.323, 341, 427 and 448 read with Sec.34 of Indian Penal Code. The prayer is to quash the proceedings in the criminal case on the ground that the matter has been settled. All the offences are compoundable. But there is a counter case against the victims in this case. The offences alleged in that case are non compoundable. That is the reason why this Crl.M.C. has been filed to quash the proceedings.

3. Heard the learned counsel for the petitioners and for the 2nd respondent and the learned Public Prosecutor.

4. Perused the affidavits filed by the 2nd respondent and other victim. I am satisfied that the

matter has been settled. No public interest is involved in this case. The counter case also has been settled. This is a fit case to invoke the jurisdiction of this Court under Sec.482 Cr.P.C. to quash the proceedings in the criminal case.

In the result, this Crl.M.C. is allowed. The proceedings in C.C. No.1448 of 2014 on the file of the Judicial First Class Magistrate Court, Malappuram are quashed.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge