

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

Crl.MC.No. 1109 of 2015

C.C.NO.2222/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT- I, HOSDRUG

CRIME NO. 390/2014 OF HOSDURG POLICE STATION , KASARGOD

PETITIONER(S)/ACCUSED :

**SASIDHARAN.A, AGED 57 YEARS,
S/O.CHERUKUNJI, ATHIKKOTH, BALLAGRAMAM,
KASARAGOD.**

**BY ADVS.SRI.RAHUL SASI
SMT.NEETHU PREM**

RESPONDENT(S)/COMPLAINANT :

- 1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 682 031.**
- 2. RAJANI.A, AGED 26 YEARS,
D/O.P.RAJAN, BANGALAM, MADIKKAI VILLAGE,
KASARAGOD - 676 001.**
- 3. P.RAJAN, BANGALAM, MADIKAI VILLAGE,
KASARAGOD - 670 121.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU.P.THOMAS
R2 & R3 BY ADV. SRI.NIRMAL V NAIR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 24-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A1: A TRUE COPY OF THE FIR IN CRIME NO. 390/2014 OF
HOSDURG POLICE STATION.**

**ANNEXURE A2: A TRUE COPY OF THE CHARGE SHEET IN
CRIME NO. 390/2014 OF HOSDURG POLICE STATION.**

**ANNEXURE A3: AFFIDAVIT DATED 29.12.2014 SUBMITTED BY
2ND RESPONDENT.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B.KEMAL PASHA, J.

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CRL.M.C. No.1109 of 2015

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Dated this the 24th day of March, 2015

ORDER

Petitioner is accused in Crime No.390 of 2014 of the Hosdurg Police Station registered for the offences punishable under Sections 341, 323 and 354 of the Indian Penal Code.

2. Petitioner has come up with this Crl.M.C. under Section 482 Cr.P.C. for getting Annexure-A1 First Information Report and Annexure-A2 Final Report in Crime No.390 of 2014 of the Hosdurg Police Station and all further proceedings based on it in C.C.No.2222 of 2014 pending before the Judicial First Class Magistrate's Court-I, Hosdurg, quashed.

3. The allegation against the petitioner is that on

23.03.2014 at 9 a.m., while she along with her father went to the house of the petitioner for taking her books etc., the petitioner caught hold of the right hand of the defacto complainant woman, twisted it and fisted on her back and caught on her cloths, thereby outraging her modesty. When her father intervened for her rescue, he was also slapped.

4. Heard learned counsel for the petitioner, the learned counsel for the defacto complainant, who is the 2nd respondent herein, and the learned Public Prosecutor.

5. It is pointed out that there was another crime registered against the husband, and father-in-law, who is the petitioner herein, and mother-in-law of the defacto complainant as Crime No.432 of 2014 of the Hosdurg Police Station, alleging offences punishable under Sections 498A and 354 read with Section 34 of the Indian Penal Code and the said matter has been settled between the parties. According to the petitioner, all the matters in dispute between the petitioner and the defacto complainant have

been amicably settled and presently the defacto complainant has no complaints against the petitioner and, therefore, the proceedings against the petitioner may be quashed.

6. The defacto complainant, who is the 2nd respondent herein, has filed an affidavit affirming that all the matters in dispute between her and the petitioner have been amicably settled and, therefore, she has no complaints against the petitioner, and, hence, all further proceedings in the matter referred to above can be quashed. She has entered appearance through her counsel. The learned counsel for the defacto complainant also endorses the fact that the affidavit has been sworn in by the defacto complainant on her own volition.

7. When all the matters in dispute have been settled between the parties and as the defacto complainant has no complaints against the petitioner, it is only just and expedient in the interest of justice to quash the proceedings

referred to above.

In the result, this Crl.M.C. is allowed and Annexure-A1 First Information Report and Annexure-A2 Final Report in Crime No.390 of 2014 of the Hosdurg Police Station and all further proceedings based on it in C.C.No.2222 of 2014 pending before the Judicial First Class Magistrate's Court-I, Hosdurg are hereby quashed.

Sd/-
B.KEMAL PASHA
JUDGE

DSV/24/3/15

// True Copy //

P.A. To Judge