

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936**

**Crl.MC.No.1112 of 2015 ()**  
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**AGAINST THE ORDER IN CC 528/2014 of J.F.M.C., PONNANI IN  
CRIME NO. 27/2005 OF PERUMPADAPPU POLICE STATION , MALAPPURAM**  
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**PETITIONER(S)/ACCUSED :**  
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**HAMZA  
S/O.MOMU, ALUNGAL HOUSE, AYIROOR  
PUTHIYIRUTHI, MALAPPURAM DISTRICT**

**BY ADV. SRI.BABU S. NAIR**

**RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:**  
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- 1. THE STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031  
FOR THE SUB INSPECTOR OF POLICE  
PERUMBADAPPU POLICE STATION, MALAPPURAM DISTRICT**
- 2. ALI, S/O.MOIDU  
KOTTAPURATH HOUSE, AYIROOR AMSOM, PUTHIYIRUTHI DESOM  
PALAPETTY, PONNANI TALUK, MALAPPURAM DISTRICT  
PIN - 676 579.**

**R1 BY PUBLIC PROSECUTOR SMT.S.HYMA  
R2 BY ADV. SMT.M.LISHA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
02-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**VS**

**Crl.MC.No.1112 of 2015 ()**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**ANNEXURE A - TRUE COPY OF THE CHARGE IN CRIME NO.27/2005 OF THE  
PERUMBADAPPU POLICE STATION**

**ANNEXURE B - TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND  
RESPONDENT DATED, 13.2.2015**

**RESPONDENT(S)' EXHIBITS**  
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**NIL**

**/TRUE COPY/**

**PA TO JUDGE**

**VS**

**P.UBAID, J**

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**Crl.M.C.No.1112 of 2015**  
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Dated this the 2<sup>nd</sup> day of March, 2015

**ORDER**

The petitioner herein is one of the accused in Crime.No.27 of 2005 of the Perumbadappu Police Station. The other accused faced trial before the learned Magistrate in C.C.No.528/2014, and obtained a judgment of acquittal, when all the material witnesses turned hostile to the prosecution in view of an amicable settlement made by the parties. The case against the petitioner was refiled as C.C.No.528/2014, when he consistently remained absent. He seeks orders quashing the prosecution against him on the ground of acquittal of the others. The defacto complainant in this case is one Ali, S/o. Moidu. He is the 2<sup>nd</sup> respondent herein. He has filed affidavit to the effect that, he has settled the whole dispute with the petitioner also, and he has no grievances or complaint. This case doesn't involve any public interest. The parties are now on quite cordial terms. In such a situation, it would be a sheer wast of time to proceed with

the prosecution against the petitioner. Nobody will support the prosecution, if the case goes to trial.

In the result, this petition is allowed. The prosecution against the petitioner in C.C.No.528/2014, of the Judicial First Class Magistrate Court, Ponnani ( in Crime No.27/2005, of the Perumbadappu Police Station) will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-  
**P.UBAID**  
**JUDGE**

/TRUE COPY/

PA TO JUDGE

VS