

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

CrI.MC.No. 1131 of 2015 ()

CC.NO. 42/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-11,
PERINTHALMANNA
CRIME NO. 123/2012 OF MELATTOOR POLICE STATION,MALAPPURAM DISTRICT

PETITIONER(S)/ACCUSED:

- 1. MAHESH, S/O.ARAMUGAN, AGED 36 YEARS,
MUKKANNAN CHALIL HOUSE, MUTHUVAKKOOR,
KONDOTTY, KOZHIKODE.**
- 2. P.M.SHIHAB, S/O.MOHAMMED, AGED 39 YEARS,
PAZHUVATH PARAMBIL HOUSE,
MATHILAKAM POST, THRISSUR DISTRICT.**
- 3. IBRAHIM, S/O.ABDU HAJI, AGED 41 YEARS,
CHOLAKKATTUTHODI, THIRURKKAD POST,
MALAPPURAM DISTRICT.**
- 4. SHAMSUDHEEN, S/O.MAMMED HAJI, AGED 36 YEARS,
KUNNATH HOUSE, THIRURKKAD POST,MALAPPURAM DISTRICT.**

BY ADV. SRI.T.PRASAD

RESPONDENT(S)/COMPLAINANT & STATE:

- 1. THE STATIONS HOUSE OFFICER,
MELATTOOR POLICE STATION, MALAPPURAM DISTRICT,
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**
- 2. KADEEJAUMMA,W/O.HAMZA, AGED 69 YEARS,
PONNAGATHODI HOUSE, MANNARMALA POST,
KARYAVATTOM, PERINTHALMANNA,
MALAPPURAM DISTRICT.PIN-676 328**

R1 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS
R2 BY ADV. SRI.A.HAROON RASHEED

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

sts

Crl.MC.No. 1131 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A1 : THE TRUE COPY OF THE FIR IN CRIME NO.123/2012 OF MELATTOOR
POLICE STATION, MALAPPURAM.**

**ANNEX A2 : THE TRUE COPY OF THE FINAL REPORT IN CRIME NO.123/2012 OF
MELATTOOR POLICE STATION, MALAPPURAM.**

**ANNEX A3 : THE TRUE COPY OF THE AFFIDAVIT FILED BY THE 2ND RESPONDENT
DATED 04-02-2015.**

RESPONDENT(S)' ANNEXURES: NIL

/TRUE COPY/

P.S.TO.JUDGE

sts

B.KEMAL PASHA, J.

.....
CRL. M.C. No.1131 of 2015
.....

Dated this the 12th day of March, 2015

ORDER

The accused in C.C.No.42/2014 on the file of the Judicial First Class Magistrate's Court-II, Perinthalmanna, which has arisen from Crime No.123/2012 of the Melattoor Police Station, Malappuram have come up under Section 482 Cr.P.C. for getting Annexure-A1 FIR and Annexure-A2 Final Report in Crime No.123/12 of the Melattoor Police Station, Malappuram and all further proceedings based on it in C.C.42/2014 of the Judicial First Class Magistrate's Court-II, Perinthalmanna, quashed. The final report has been filed alleging offences punishable under Sections 406, 420 and 120(b) read with Section 34 of the Indian Penal Code.

2. The prosecution case is that the petitioners had promised to give an amount of Rs.10 lakhs to the son of the defacto complainant to conduct a hotel business, and towards security of the said amount, they have insisted for blank signed cheque leaves, documents and also the registration of the sale deed in respect of the property of the defacto complainant in their favour. After getting the document registered, they have deliberately defrauded and cheated the defacto complainant thereby making unlawful gains.

3. Heard both sides.

4. According to the petitioners, the matter has been amicably settled between them and the defacto complainant and presently the defacto complainant has no complaints against the petitioners.

5. The defacto complainant has entered appearance and filed an affidavit affirming that the matter has been amicably settled between her and the petitioners

and presently she has no complaints against the petitioners. The learned counsel for the defacto complainant who is the 2nd respondent herein also endorses the fact that the affidavit has been sworn in by the defacto complainant on her own volition. When the matter relates to a financial transaction and the same has been amicably settled between the parties, it is only just and proper in the interest of justice to quash the proceedings as prayed for.

In the result, this Crl.M.C. is allowed and Annexure-A1 FIR and Annexure-A2 Final Report in Crime No.123/12 of the Melattoor Police Station, Malappuram and all further proceedings based on it in C.C.42/2014 of the Judicial First Class Magistrate's Court-II, Perinthalmanna, are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge