

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

Crl.MC.No. 1189 of 2015

CC 846/2014 OF JUDICIAL FIRST CLASS MAGISTRATE
COURT - II, THIRUVANANTHAPURAM

CRIME NO. 1058/2013 OF POONTHURA POLICE STATION , THIRUVANANTHAPURAM

....

PETITIONER(S)/ACCUSED 1 TO 3:

1. SALAHUDEEN, AGED 27 YEARS,
S/O.IBRAHIM KUTTY, SEENATH, TC. 41/2388,
BALVAN NAGAR, MLA ROAD, KAMALESHWARAM WARD,
MUTTATHARA VILLAGE, THIRUVANANTHAPURAM (AI).
2. SHAMEER, AGED 28 YEARS,
S/O.JALEEAAL, CHITRANAL, TC.45/1511, ATTUKAL WARD,
MANACAUD VILLAGE, THIRUVANANTHAPURAM (A2).
3. NUJOOM, AGED 37 YEARS,
S/O.SULAIMAN. S.N.MANZIL EDAYKODU KOORANI,
MUDAKKAL VILLAGE, THIRUVANANTHAPURAM (A3)

BY ADVS.SRI.V.S.THOSHIN
SRI.I.ARIF MUHAMMAD

RESPONDENT(S)/DEFACTO COMPLAINANT:

1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
THROUGH THE SUB INSPECTOR OF POLICE,
POONTHURA POLICE STATION,
THIRUVANANTHAPURAM - 682 031.
2. SIBU, AGED 34 YEARS,
S/O.JAFFARKHAN, RESIDING AT TC.41/1434, SIBU MAZIL,
MANACAUD P.O., THIRUVANANTHAPURAM - 695 010. (CWI)

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- 3. NAZEEMA, AGED 58 YEARS,
D/O. FATHIMA BEEVI, RESIDING AT TC. 41/1434,
SIBU MANZIL, MANACAUD P.O.,
THIRUVANANTHAPURAM - 695 010. (CW2)**
- 4. HAZEENA, AGED 27 YEARS,
D/O.NAZEEMA, RESIDING AT TC. 41/1434, SIBU MAZIL,
MANACAUD P.O., THIRUVANANTHAPURAM - 695 010. (CW3)
R1 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS
R2, R3 & R4 BY ADV. SRI.T.K.BABU**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
06-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE A: THE TRUE COPY OF THE FINAL REPORT IN CC.NO.846/14 PENDING ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, THIRUVANANTHAPURAM.

ANNEXURE B: THE COMPROMISE AFFIDAVIT OF THE 2ND RESPONDENT/DEFACTO COMPLAINANT.

ANNEXURE C: THE COMPROMISE AFFIDAVIT OF THE 3RD RESPONDENT/ 2ND WITNESS.

ANNEXURE D: THE COMPROMISE AFFIDAVIT OF THE 4TH RESPONDENT/ 3RD WITNESS.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B.KEMAL PASHA, J.

.....
CRL. M.C. No.1189 of 2015
.....

Dated this the 6th day of April, 2015

ORDER

The accused in Crime No.1058/2013 of the Poonthura Police Station, Thiruvananthapuram, registered for the offences punishable under Sections 294(b), 341, 354, 427 and 451 read with Section 34 of the Indian Penal Code which is pending as C.C.No.846/2014 on the file of the Judicial First Class Magistrate's Court-II, Thiruvananthapuram, have come up under Section 482 Cr.P.C. for getting Annexure A Final Report in the said crime and the consequent proceedings in C.C.846/2014, quashed.

2. The prosecution case is that on 03.11.2013 at 8.30 p.m., the petitioners attacked the defacto complainant and voluntarily caused hurt and abused the defacto

complainant. It is also alleged that they have attacked the mother and wife of the defacto complainant thereby outraging their modesty.

3. According to the petitioners, the matter has been amicably settled between them and CWs. 1 to 3, who were the persons allegedly attacked. CWs.1 to 3 are respondents 2 to 4 herein.

4. Respondents 2 to 4 have also entered appearance and have filed separate affidavits affirming that the matter has been amicably settled between them and the petitioners and presently they have no complaints against the petitioners. They have also sought for getting the proceedings quashed.

5. Heard learned counsel for the petitioners, the learned counsel for respondents 2 to 4 and the learned Public Prosecutor.

6. The only non bailable offence alleged is one under Section 354 IPC. On going through the facts and

circumstances of this case, I do not see any conscious attempt to outrage the modesty of the victim with requisite intention for committing such an offence. When the matter has been amicably settled between the parties, this Court is of the view that this is a fit case wherein Annexure A Final Report and all consequent proceedings against the petitioners can be quashed.

In the result, this Crl.M.C. is allowed and Annexure A Final Report in Crime No.1058/2013 and the consequent proceedings thereon in C.C.846/2014, are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge