

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

Crl.MC.No. 1206 of 2015 ()

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CC 629/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT - I, ETTUMANOOR
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PETITIONERS :

- 1. NIAS JOSE, AGED 34 YEARS,
S/O.JOSE, AKKAMTHIRIYIL HOUSE, MULLAPPUZHACHAL P.O.
VAZHAKKULAM, MUVATTUPUZHA TALUK,
ERNAKULAM DISTRICT KERALA 686670**
- 2. USHA A., AGED 41 YEARS, W/O.SHAMSUDEEN N.P,
HOUSE NO.8/304, THURUTHEL HOUSE,NEAR 'UNNIS',
CHAPPEL, ARPOOKARA P.O.,KOTTAYAM DISTRICT KERALA, 686008**

BY ADV. SRI.JOHN T.PAUL

RESPONDENTS :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM**

BY PUBLIC PROSECUTOR JIBU P. THOMAS

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

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- ANNEXURE AI:** TRUE COPY OF THE FIR NO.704 DATED 03.08.2013 IN CC.NO.629 OF 2014 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, ETTUMANOOR.
- ANNEXURE AII:** TRUE COPY OF THE COMPLAINT BY THE DEFACTO COMPLAINANT DATED 03.08.2013 IN CC.NO.629 OF 2014 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, ETTUMANOOR.
- ANNEXURE AIII:** A TRUE COPY OF THE FINAL REPORT IN CC.NO.629 OF 2014 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, ETTUMANOOR.
- ANNEXURE AIV:** THE ORIGINAL AFFIDAVIT DATED 17.02.2015 BY THE 2ND PETITIONER/DEFACTO COMPLAINANT

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE

bp

B.KEMAL PASHA, J.

.....
CRL. M.C. No.1206 of 2015
.....

Dated this the 12th day of March, 2015

ORDER

The accused in C.C.No.629/2014 on the file of the Judicial First Class Magistrate's Court, Ettumanoor, as the first petitioner, and the defacto complainant in the said case as the 2nd petitioner, have together come up under Section 482 Cr.P.C. for getting all further proceedings in the said case, quashed.

2. C.C.629/2014 has arisen from Crime No.704/2013 of the Gandhi Nagar Police Station, Kottayam. The allegation against the first petitioner is that on 03.08.2013 at 1 p.m., he wrongfully restrained the defacto complainant woman near the X-ray gate of the Medical

College, Kottayam and fisted her. It is also alleged that he has criminally intimidated her. The case is presently pending for the offences punishable under Sections 341, 323, and 506(i) IPC.

3. Heard both sides.

4. According to the petitioners, the matter has been amicably settled between them and presently the 2nd petitioner has no complaints against the first petitioner. The 2nd petitioner has filed an affidavit affirming that the matter has been amicably settled between her and the first petitioner, and presently she has no complaints against the first petitioner. Considering the facts and circumstances of the case, there is no meaning in proceeding with the matter further, and therefore, the proceedings in C.C.629/2014 of the Judicial First Class Magistrate's Court, Ettumanoor can be quashed, in the interest of justice.

In the result, this Crl.M.C. is allowed and all further proceedings pending against the first petitioner in

CRL.M.C.No.1206 of 2015

-: 3 :-

C.C.No.629/14 of the Judicial First Class Magistrate's Court,
Ettumanoor, are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge