

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. 1231 of 2015 ()

CRIME NO. 83/1999 OF VENGARA POLICE STATION, MALAPPURAM DISTRICT.
L.P. NO.27/2012 IN SC. NO.344/2005 OF SESSIONS COURT, MANJERI.

.....

PETITIONER/ACCUSED:

**BABU @ RASHEED, S/O. KUNHIMUHAMMED,
AGED 38 YEARS, KANJAKKARTHODI HOUSE
KADANNAMANNA POST, MANKADA,
MALAPPURAM DISTRICT.**

BY ADV. SRI.T.PRASAD.

RESPONDENTS/COMPLAINANT AND STATE:

- 1. THE STATION HOUSE OFFICER,
VENGARA POLICE STATION, MALAPPURAM DISTRICT,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. KARTHIYAYANI, D/O. ELUMBAN,
AGED 47 YEARS, PANAKKAL VEEDU,
KANNAMANGALAM, THOTTASSERY,
MALAPPURAM DISTRICT-676 121.**

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:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- | | |
|--------------------|--|
| ANNEXURE A1 | COPY OF THE FIR IN CRIME NO.83/1999 OF VENGARA POLICE STATION, MALAPPURAM. |
| ANNEXURE A2 | COPY OF THE FINAL REPORT IN CRIME NO.83/1999 OF VENGARA POLICE STATION, MALAPPURAM. |
| ANNEXURE A3 | COPY OF THE NOTARIZED AFFIDAVIT FILED BY THE 2ND RESPONDENT DATED 02/02/2015. |

RESPONDENT'S ANNEXURES:- **NIL.**

//TRUE COPY//

P.S. TO JUDGE

rs.

B. KEMAL PASHA, J.

.....
Crl.M.C. No.1231 of 2015
.....

Dated this the 12th day of March, 2015

ORDER

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The accused in L.P.27/2012 of the Sessions Court, Manjeri, which has arisen from S.C.No.344/2005, has come up under Section 482 Cr.P.C. for getting Annexure-A1 FIR and Annexure-A2 final report in Crime No.83/1999 of Vengara Police Station and the consequent proceedings in L.P.27/2012 in S.C.344/2005, quashed.

2. Originally, the crime was registered for the offences punishable under Section 376 IPC and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. On investigation, final

report was filed by alleging offences punishable under Sections 493 and 376 IPC and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. According to the petitioner, the matter has been amicably settled between him and the de facto complainant, who is the 2nd respondent herein, and presently, the de facto complainant has no complaints against him.

3. The de facto complainant, who is the 2nd respondent herein, has also entered appearance and filed an affidavit affirming that the matter has been amicably settled between her and the petitioner herein and presently, she has no complaints against him.

4. Much discussion is not required to conclude that when very serious allegations for constituting the offences alleged against the petitioner are there, this is not a fit case wherein this Court can exercise the powers conferred on this Court under Section 482 Cr.P.C. to quash the FIR, final

report and the consequent proceedings in the case against the accused. The compromise entered into between the parties cannot be accepted.

In the result, this Crl.M.C. is dismissed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/13/03

// True Copy //

PA to Judge