

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

CrI.MC.No. 1581 of 2015 ()

**IN CC 1083/2012 of J.M.F.C.,PAYYANNUR
CRIME NO. 50/2009 OF PAYANGADI POLICE STATION , KANNUR**

PETITIONER(S)/ACCUSED NO.2:

**BAYAN SIDDIQUE, AGED 38 YEARS
S/O.S.P.MUSTAFA HAJI, PUTHIYANGADI, MADAYI AMSOM
MADAYI.P.O, KANNUR DISTRICT.**

**BY ADVS.SRI.ZUBAIR PULIKOOL
SRI.P.S.BINU**

RESPONDENT(S)/RESPONDENTS/COMPLAINANT:

**1. K.V.BALAKRISHNAN, AGED 61 YEARS
S/O.MALINGAN, KARINTHALAM(H), KOKKANISSERI
PAYYANNUR AMSOM, PAYYANNUR.P.O
KANNUR DISTRICT-670307.**

**2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN-682031.**

**R1 BY ADV. SMT.P.A.ANEESHA
R2 BY PUBLIC PROSECUTOR SMT. S. HYMA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1581 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE-I TRUE COPY OF THE FIR & POLICE CHARGE IN CRIME 50/09 OF
PAZHAYANGADI POLICE STATION**

ANNEXURE-II THE ORIGINAL COPY OF THE AFFIDAVIT OF IST RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

**PA TO JUDGE
sab**

P.UBAID, J.

Crl. M.C No.1581 of 2015

Dated this the 26th day of March, 2015.

O R D E R

The petitioner herein is the accused No.2 in C.C No.1083 of 2012 of the Judicial First Class Magistrate Court, Payyannur. The offence involved in the case is under Section 420 IPC. The petitioner seeks orders quashing the prosecution on the ground of amicable settlement of the dispute out of court. The petitioner can very well approach the trial court under Section 320 Cr.P.C. The offence is compoundable under the law. If composition is reported to the trial court, and if it is acceptable, it will definitely be recorded, and orders under Section 320(8) Cr.P.C will be passed by the trial court. When normal remedy is possible under the Code of Criminal Procedure, this court will not act under Section 482 Cr.P.C. This Crl.M.C is accordingly disposed of, directing the parties to approach the trial court for composition under Section 320 Cr.P.C.

Sd/-

P.UBAID,
JUDGE