

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

Crl.MC.No. 1917 of 2015 ()

CC 1638/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,HOSDRUG

PETITIONER:

**SUHARA, AGED 45 YEARS
D/O. PULUR AYISHA,
R/AT BAVA HAJI VALAPPU, HOSDURG KADAPPURAM,
HOSDURG VILLAGE, P.O. KANHANGAD**

**BY ADVS.SRI.RAHUL SASI
SMT.NEETHU PREM**

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031**
- 2. AANJILLATH ABDUL HAMEED, AGED 57 YEARS,
S/O.LATE H. MOHAMMED HAJI AND MARIYUMMA
NEAR NOOR JUMA MASJID, KOTTACHERY. P.O.
KANHANGOD - 673 001.**

**R2 BY ADV. SRI.SAJIN JOSEPH
BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P.**

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONER'S ANNEXURES:

- ANNEXURE A1 : A TRUE COPY OF THE COMPLAINT IN C.C. NO.1638 OF 2014
ON FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT - 1, HOSDURG**
- ANNEXURE A2 : TRUE COPY OF THE JUDGMENT IN C.C. NO.1321 OF 2008 ON
FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT 1, HOSDURG.**
- ANNEXURE A3 : AFFIDAVIT DATED 20.03.2015 SUBMITTED BY 2ND
RESPONDENT.**

RESPONDENTS' ANNEXURES: NIL

//TRUE COPY//

P.A. TO JUDGE

smv

P. UBAID. J.
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Crl.M.C. No. 1917 of 2015
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Dated this the 24th day of March, 2015

O R D E R

The petitioner herein is the original 10th accused in CC. No.1321 of 2008 of the Judicial First Class Magistrate Court - I, Hosdurg. The offences involved in the case are under Sections 143 and 506(ii) of the IPC r/w. Section 149 IPC. The other 9 accused faced trial before the learned Magistrate in C.C. No.1321 of 2008 and obtained a judgment of acquittal when the de facto complainant and other material witnesses failed to turn up in spite of repeated summons. The prosecution thus failed to adduce evidence. The case against the petitioner herein was split up and refiled as C.C. No.1638 of 2014. She now seeks orders quashing the prosecution against her on the ground of amicable settlement of the dispute between her and the de facto complainant. The second respondent herein is the de facto complainant. He has filed affidavit to the effect that he has settled all the disputes between the petitioner and others, and he has no grievance or complaint. I am well satisfied that there is real settlement between the parties. Continuance of the prosecution will not serve any purpose other than wasting the precious time of the

court.

In the result, the petition is allowed. Prosecution as against the petitioner in C.C. No.1638 of 2014 of the Judicial First Class Magistrate Court - I, Hosdurg will stand quashed under Section 482 Cr.P.C.

Sd/-
P. UBAID, JUDGE

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P.A. To Judge

Smv