

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

Crl.MC.No. 2490 of 2015

**SC.632/2014 OF DISTRICT AND SESSIONS COURT, KASARAGOD
CRIME NO. 625/2014 OF HOSDURG POLICE STATION , KASARGOD**

PETITIONER(S)/ACCUSED:

1. ALI, AGED 34 YEARS,
S/O.MUHAMMED KUNHI, RESIDING AT MADIYAN KUNNU HOUSE,
AJANUR VILLAGE, HOSDURG.
2. JUNAID.M, AGED 22 YEARS,
S/O.ABDULLA, RESIDING AT JUNAID MANSIL, MADIYAN,
AJANU VILLAGE, HOSDURG, KASARAGODE.

**BY ADVS.SRI.K.R.AVINASH (KUNNATH)
SRI.ABDUL RAOOF PALLIPATH**

RESPONDENT(S)/DEFACTO COMPLAINANTS & STATE:

1. NASEEMA, AGED 30 YEARS
W/O.ABDL RAHIMAN, RESIDING AT MADIYAN, AJANUR VILLAGE,
HOSDURG TALUK, KASARAGOD DISTRICT-671121.
2. ABDUL RAHIMAN, AGED 35 YEARS,
S/O.KUNHABDULLA, RESIDING AT MADIYAN, AJANUR VILLAGE,
HOSDURG TALUK, KASARAGOD DISTRICT.671121.
3. S.H.O., HOSDURG PO.,
HOSDURG, KASARAGOD DISTRICT 671121.
4. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682031

**R1&2 BY ADV. SRI.C.H.ABDUL RASAC
R3 & 4 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 22-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 2490 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE A1:THE CERTIFIED COPY OF THE FIR IN CRIME NO.625/2014 OF
HOSDURG POLICE STATION**

**ANNEXURE A2:CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.625/2014 OF
HOSDURG POLIE STATION**

ANNEXURE A3:AFFIDAVIT SWORN BY THE RESPONDENTS NOS. 1 AND 2

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. ABRAHAM MATHEW, J.
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Crl.M.C. No. 2490 of 2015

Dated this the 22nd day of June, 2015

ORDER

Petition filed under Section 482 Cr.P.C.

2. Petitioners are accused in Sessions Case No. 632 of 2014 on the file of the Sessions Judge, Kasargod. They are charged with having committed the offences under Section 323, 341 and 506 of IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012. It is submitted that the matter has been settled. The prayer is to quash the proceedings in the criminal case.

3. Heard the learned counsel for the petitioners and for the respondents one and two and the learned Public Prosecutor.

4. Respondents one and two are the parents of the victim boy. They have filed an affidavit to the effect that the matter has been settled and they have no objection to the proceedings in the criminal case being quashed. I have perused the final report it appears that this is essentially an assault case. It is doubtful whether the provisions of the Protection of Children from Sexual Offences Act, 2012 are attracted. I am satisfied that no public

interest is involved in this case. So, I am inclined to grant the prayer. This is a fit case to invoke the jurisdiction of this Court under Section 482 Cr.P.C. to quash the proceedings in the criminal case.

In the result, this Crl. M.C. is allowed. The proceedings in Sessions Case No. 632 of 2014 on the file of the Sessions Judge, Kasargod are quashed.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge