

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 8TH DAY OF JULY 2015/17TH ASHADHA, 1937

Crl.MC.No. 4030 of 2015

**SC 105/2014 OF DISTRICT & SESSIONS COURT, THALASSERY
CRIME NO. 983/2012 OF PAYYANNUR POLICE STATION, KANNUR**

PETITIONER(S)/ACCUSED:

**SHOUKATH ALI M.T.P., AGED 32 YEARS,
S/O.MUHAMMED, MANAKKATTU THEKKE PURAYIL, VADAKKUMPAD,
THRIKKARIPUR, KASARAGOD DISTRICT.**

BY ADV. SRI.I.V.PRAMOD

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. SHAHANAD K.P., AGED 19 YEARS,
S/O.SHAJAHAN, THEKKEPURATH HOUSE, VADAKKEKOVVAL,
POST UDINUR, KASARAGOD DISTRICT - 670 516.**

**R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN
R2 BY ADV. SRI.S.U.NAZAR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
08-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 4030 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE-A1: CERTIFIED COPY OF CHARGE/FINAL REPORT DATED 27.2.2013 IN
SC NO.105/2014 OF THE DISTRICT AND SESSIONS COURT
THALASSERY, KANNUR DISTRICT IN CRIME NO.983/2012 OF
PAYYANNUR POLICE STATION.**

**ANNEXURE-A2: A TRUE COPY OF THE ORDER IN CRL.M.C.NO.2081/2014
DATED 7/4/2014 OF THIS HON'BLE COURT.**

**ANNEXURE-A3: THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT
DATED 18/12/2014.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

K. ABRAHAM MATHEW, J.

Crl.M.C. No.4030 of 2015

Dated this the 8th day of July 2015

ORDER

Petition filed under Sec.482 Cr.P.C.

2. Petitioner is accused in S.C. No.105 of 2014 on the file of the Sessions Court, Thalassery. He is charged with having committed the offences under Secs.279, 367 and 377 of the Indian Penal Code. It is submitted that the matter has been settled. The request is to quash the proceedings in the criminal case.

3. Heard the learned counsel for the petitioner and for the 2nd respondent and the learned Public Prosecutor.

4. I have perused the affidavit filed by the second respondent and the order passed in Crl.M.C. No.2081 of 2014. This court took the view that the facts of the case do not attract Sec.377 IPC. The learned Judge also expressed a doubt whether Sec.367 IPC will be attracted. Now the matter has been settled. I am satisfied that no public interest is involved in this case. This is a fit

case to invoke the jurisdiction of this Court under Sec.482 Cr.P.C. to quash the proceedings in the criminal case.

In the result, this Crl.M.C. is allowed. The proceedings in S.C. No.105 of 2014 on the file of the Sessions Court, Thalassery are quashed.

Sd/-
K. ABRAHAM MATHEW
JUDGE
/ True Copy /

NS

P.A. To Judge