

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

Crl.MC.No. 4463 of 2014

CP 17/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, NADAPURAM
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PETITIONER(S)/ACCUSED 1 TO 3:

- 1. ABDUL GAFOOR, AGED 35 YEARS,
S/O.AMMED, PARACHALIL HOUSE, MARUTHONKARA P.O.,
ADUKKATH, VADAKARA.**
- 2. YUSAF HAJI, AGED 55 YEARS,
S/O.ABOOBACKER, MAVULLA PARAMBATH HOUSE,
KULANGARATHAZHE, KUTTIADY, VADAKARA,
KOZHIKODE.**
- 3. NISAR, AGED 35 YEARS,
S/O.POCKER, CHEMMARIMMEL, KOORACHUNDU P.O.**

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENT(S)/CW 1 TO 3/STATE:

- 1. SUB INSPECTOR OF POLICE,
NAEDAPURAM POLICE STATION - 673 103.**
- 2. STATE,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 682 031.**
- 3. AYISHA, AGED 60 YEARS,
W/O.KUNHABDULLA, VANIKANDIYIL HOUSE, KADAMERI P.O.,
VADAKARA TALUK - 673 103.**
- 4. SULAIMAN, AGED 30 YEARS,
S/O.KUNHABDULLA, RESIDING DO. 673 103.**
- 5. ILLYAS, AGED 35 YEARS,
S/O.KUNHABDULLA, RESIDING DO. 673 103.**

**R1 & R2 BY PUBLIC PROSECUTOR SMT.MAYA
R3-R5 BY ADVS. SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
06-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-I: CERTIFIED COPY OF THE FINAL REPORT IN CP 171/2014 OF JUDICIAL IST CLASS MAGISTRATE, NADAPURAM.

ANNEXURE-II: CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN CR.NO.309/14.

ANNEXURE-III: CERTIFIED COPY OF THE FINAL REPORT IN CC 874/14.

ANNEXURE-IV: TRUE COPY OF THE WOUND CERTIFICATE OF NAFIYA.

ANNEXURE-V: COPY OF THE PETITION IN MC 120/14 BEFORE THE JUDICIAL IST CLASS MAGISTRATE, NADAPURAM.

ANNEXURE-VI: COPY OF THE ORDER IN CMP 3344/14 IN MC 120/14 OF JUDICIAL IST CLASS MAGISTRATE, NADAPURAM.

ANNEXURE-VII: TRUE COPY OF THE AFFIDAVIT SWORN IN BY THE 3RD RESPONDENT.

ANNEXURE-VIII: TRUE COPY OF THE AFFIDAVIT SWORN IN BY THE 4TH RESPONDENT.

ANNEXURE-IX: TRUE COPY OF THE AFFIDAVIT SWORN IN BY THE 5TH RESPONDENT.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B.KEMAL PASHA, J.

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Crl.M.C. No. 4463 of 2014

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Dated this the 6th day of October, 2015

ORDER

The petitioners are the accused in C.P.No.17/2014 of the Judicial First Class Magistrate's Court, Nadapuram, which has arisen from Crime No.308/2014 of the Nadapuram Police Station, for the offences punishable under Sections 452, 323, 324, 308, 341 and 294(b) read with Section 34 IPC.

2. The de facto complainant is the mother in law of the 1st petitioner. There were matrimonial disputes between the 1st petitioner and his wife. All the disputes have been settled and now, he is residing with his wife and children. The incident in question had also resulted from the quarrel between the 1st petitioner and his wife. Presently, all the disputes have been settled between the parties.

3. The two injured persons other than the 3rd respondent are respondents 4 and 5 and they are none other than the sons of the 3rd respondent. The de facto complainant, who is the 3rd respondent and two other injured in the case have filed separate affidavits affirming that the matter has been settled between the parties and they have no complaints against the petitioners.

4. Considering the close relationship between the parties and the fact that the matter has been amicably settled between them, this Court is of the view that there is no meaning in proceeding with the matter further. In this particular case, the settlement arrived at between the parties can be made use of for quashing Annexure I final report and all further proceedings in C.P.No.17/2014 of the Judicial First Class Magistrate's Court, Nadapuram.

In the result, this Crl.M.C is allowed and Annexure I final report and all further proceedings in C.P.No.17/2014

of the Judicial First Class Magistrate's Court, Nadapuram,
are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

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