

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

Cr1.MC.No. 6036 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN CC 218/2015 of JUDICIAL FIRST CLASS
MAGISTRATE COURT II, PERINTHALMANNA

CRIME NO. 116/2013 OF WANDOOOR POLICE STATION, MALAPPURAM DISTRICT.

PETITIONER/ACCUSED:

MOAHMED RAFI,
S/O.ABUBACKER, KOOMANGADAN HOUSE, MATTAKULAM
P O VANIAMBALAM, WANDOOOR AMSOM, MALAPPURAM DISTRICT

BY ADV. SRI.K.M.M ABDURAHIMAN

RESPONDENTS/COMPLAINANT & STATE:

1. ASSAINAR, S/O.ALAVI,
CHAKKIPPARAMBN HOUSE , VILAKKUCHIRA,
POROOR AMSOM, MALAPPURAM DISTRICT, PIN 679 339.

2. SUB INSPECTOR OF POLICE,
WANDOOOR POLICE STATION, MALAPPURAM DISTRICT PIN 679 328

3. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM 682 031.

R2 & R3 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P.
R1 BY ADV. SRI.C.T.BASHEER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
09-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 6036 of 2015 ()

APPENDIX

PETITIONER(S) ' EXHIBITS

ANNEXURE A:-TRUE COPY OF CHARGE SHEET IN CRIME NO 116/2013 OF WANDOOOR
POLICE STATION, MALAPPURAM DISTRICT

ANNEXURE B:-TRUE COPY OF F.I.R. IN CRIME NO 116/2013 OF WANDOOOR
POLICE STATION, MALAPPURAM DISTRICT

ANNEXURE C:-AFFIDAVIT DTD 31/7/2015 OF DEFACTO COMPLAINANT/RESPONDENT
NO 1 STATING THE WHOLE MATTER OF SETTLEMENT

RESPONDENT(S) ' EXHIBITS : NIL

/TRUE COPY/

P. A. TO JUDGE

Pn

SUNIL THOMAS, J.

Crl.M.C. No. 6036 of 2015

Dated this the 9th day of September, 2015

O R D E R

The petitioner is the sole accused in Crime No.116/2013 of Wandoor Police Station and now pending as C.C. No.363/2013 of JFMC-II, Perinthalmanna. The offence alleged are under Section 341, 323 IPC. Pending the proceedings, the parties have settled their dispute. The 1st respondent has appeared through the counsel, who also endorsed this. Annexure C is an affidavit filed by the defacto complainant dated 31.07.2015 stating that, he propose to withdraw the complaint.

2. It is evident that, the parties have settled their dispute and no further grievance survives. In the light of the above, I find that, continuance of the proceedings can only result in manifest miscarriage of justice. Essentially, it is a private dispute.

3. Hence I am inclined to allow this petition. Crl.M.C. is allowed and all proceedings pending before the Court below as C.C.No.218/2015 of JFMC II, Perinthalmanna stand quashed.

Sd/-

SUNIL THOMAS, JUDGE.