

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

Crl.MC.No. 6207 of 2015 ()

IN CC 422/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, MANANTHAVADY

CRIME NO. 165/2014 OF VELLAMUNDA POLICE STATION , WAYANAD

PETITIONER(S):

**PANNIYODAN ABDUL NAZAR AGED 48 YEARS
S/O PANNIYODAN CHERIYA VEEDU, KUNHOME PO
WAYANAD DISTRICT**

**BY ADVS.SRI.KRISHNA PRASAD. S
SRI.NOBEL RAJU**

RESPONDENT/DEFACTO COMPLAINANTS:

- 1. JAMEELA CHOORYAN
W/O HASHIM, CHOORYAN VEEDU, THONDERNADU
KUNHOM PO, VELLAMUNDA
MANATHAVADY, WAYANAD**
- 2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM, REPRESENTINGS.I OF POLICE
VELLAMUNDA POLICE STATION, WAYANAD DISTRICT**

**R1 BY ADV. SRI.SHIRAZ ABDULLA
R2 BY ADV.SHEEBA M.T., PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 15-12-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 6207 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1: COPY OF THE FIR DT. 16/5/14 IN CRIME NO. 165/2014 O F
VELLAMUNDA POLICE STATION**

ANNEXURE A2: CERTIFIED COPY OF THE FINAL REPORT NO. 209/14 DT. 30/6/14

**ANNEXURE A3: AN AFFIDAVIT DT. 26/8/15 EXECUTED AND SIGNED BY THE 1ST
RESPONDENT**

RESPONDENT(S)' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

P. UBAID, J.

Crl.M.C.No.6207 of 2015

Dated this the 15th day of December, 2015

ORDER

The petitioner herein is the sole accused in C.C.No.422/2014 of the Judicial First Class Magistrate Court-I, Mananthavady. He seeks orders quashing the prosecution on the ground of settlement of the dispute between him and the victims of offence. Of the three victims, only one is a party herein, as respondent No.1. She has filed affidavit to the effect that she has settled the whole dispute with the accused, and she has no grievance or complaint now.

2. The petitioner was directed to produce the affidavit of the other two victims of offence. In spite of repeated opportunities, and even a final chance given by the Court, the petitioner failed to produce the affidavit of the other victims of offence. In such a situation, the prosecution cannot be quashed on the ground of settlement, under Section 482 of the Code of Criminal Procedure. The High Court can quash the prosecution as against one or the other accused, if that accused has come to

terms with the victims. But such a course is not possible and the prosecution cannot be so quashed as regards some of the witnesses. The petitioner will have to face trial, if he is not in a position to obtain affidavit from the other victims, showing amicable settlement out of Court.

In the result, this CrL.M.C. is dismissed in limini.

JV

SD/-
P. UBAID
JUDGE