

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

CrI.MC.No. 6277 of 2015 ()

**LP NO. 03/2011 OF ASSISTANT SESSIONS COURT, TIRUR
CRIME NO. 95/2007 OF TIRUR POLICE STATION, TIRUR, MALAPPURAM DISTRICT**

PETITIONER :

**BASHEER M.,
S/O.MOIDEEN KUTTY, RESIDING AT THEKKEPURATH HOUSE
PUTHIANGADI, PARAVANNA, PACHATTIRI
TIRUR, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.J.R.PREM NAVAZ
SRI.P.T.SHEEJISH**

RESPONDENT(S) :

**1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

**2. RUKHYA,
AGED 46 YEARS, W/O.KHADAR,
RESIDING AT KUTTATHU HOUSE, PARAVANNA
VETOM, TIRUR, MALAPPURAM DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SMT. P. MAYA
R2 BY ADV. SRI.AJOY VENU**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE A : COPY OF THE CHARGE SHEET IN CRIME NO. 95/2007 OF TIRUR
POLICE STATION, TIRUR IN MALAPPURAM DISTRICT.**

**ANNEXURE B COPY OF THE JUDGMENT IN SC NO. 528 OF 2013 DATED
20/8/2013.**

**ANNEXURE C COPY OF THE JUDGMENT IN SC NO. 131 OF 2008 DATED
28/01/2011.**

**ANNEXURE D COPY OF THE AFFIDAVIT, SOLEMNLY AFFIRMED BY THE 2ND
RESPONDENT/DEFACTO COMPLAINANT.**

RESPONDENT'S ANNEXURES : NIL

//TRUE COPY//

P.S. TO JUDGE

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B. KEMAL PASHA, J.

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Crl.M.C. No. 6277 of 2015
.....

Dated this the 5th day of October, 2015

ORDER

Petitioner is arraigned as the 3rd accused in the final report filed in Crime No.95/2007 of the Tirur Police Station, registered for the offences punishable under Sections 324, 452 and 436 read with Section 34 IPC. The case against A1 and A2 was committed in two different stages and they faced trial before the Assistant Sessions Court, Tirur in S.C.No.528/2013 and S.C.No.131/2008. Both A1 and A2 were acquitted by the said court after trial. As the petitioner was absconding, the case against him was split up and it is presently pending as L.P.No.3/2011 before the Assistant Sessions Court, Tirur.

2. On going through the final report and the

evidence in the matter, it seems that there are no allegations against the petitioner. All the specific allegations are levelled against A1 and A2 only. It has to be noted that even in the FIR, the petitioner was not arraigned as accused. It was after investigation, the name of the petitioner was shown as the 3rd accused in the final report. Apart from that, no allegations are there against the petitioner.

3. Over and above it, it seems that the matter has been settled between the defacto complainant and the petitioner. The defacto complainant has filed an affidavit affirming that the matter has been amicably settled between her and the petitioner. Even though the settlement arrived at between the parties cannot be approved in a serious case like this, in the light of the fact that there are no allegations against the petitioner, this Court is of the view that no purpose would be served in proceeding with the matter. Matters being so, Annexure-A final report as against the petitioner herein, which is presently pending as

L.P.No.3/2011 of the Assistant Sessions Court, Thrissur which has arisen from Crime No.95/2007 of the Tirur Police Station, is liable to be quashed.

In the result, this Crl.M.C. is allowed and Annexure-A final report as against the petitioner herein which is presently pending as L.P.No.3/2011 of the Assistant Sessions Court, Thrissur, which has arisen from Crime No.95/2007 of the Tirur Police Station, is hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge