

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

Crl.MC.No. 6465 of 2015

CC 100/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, HOSDRUG.

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PETITIONER(S)/ACCUSED:

1. MOHAMMED NAVAS P.M,
S/O.ABDULLA P.M. (LATE), AGED 28 YEARS,
GLASS (H), WARD NO.35/13, KOTTAKUNNU,
BAKEL PALLIKARA VILLAGE, KASARGOD DISTRICT.
2. MOHAMMED SHAMEEM P.M,
S/O.ABDULLA P.M. (LATE), AGED 32 YEARS,
GLASS (H), WARD NO.35/13, KOTTAKUNNU,
BAKEL PALLIKARA VILLAGE, KASARGOD DISTRICT.
3. ROJAN P.A.,S/O.ANTONY, AGED 39,
PANDARAPARAMBIL HOUSE, CHERUKAPARA,
PANAYAL VILLAGE, KASARGOD.
4. HAMSA M, S/O.ABDULLA, AGED 44 YEARS,
KUNNUCHI HOUSE, PANAYAL VILLAGE, KASARGOD.

**BY ADVS.SMT.R.LEELA
SMT.U.S.SARITHA**

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT (INJURED):

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. SHAREEF, AGED 35 YEARS,
S/O.ABBAS BEKAL SALAMATH, B.S.HOUSE, 13/460,
P.O.PALLIKARE KASARGOD DISTRICT - 670 101.

**R1 BY PUBLIC PROSECUTOR SMT.P.MAYA
R2 BY ADV. SMT.P.I.SHAMLATH**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 04-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE-A1: THE CERTIFIED COPY OF THE FINAL REPORT/CHARGE SHEET
FILED BEFORE THE JFCM - II, HOSDURG IN C.C. NO.100/2014
DATED 28.11.2013.**

**ANNEXURE-A2: THE AFFIDAVIT DATED 15.9.2015 SWORN 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.6465 of 2015 C
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Dated this the 4th day of November, 2015

ORDER

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Petitioners are the accused in CC No.100/2014 of the Judicial First Class Magistrate's Court-II, Hosdurg, which has arisen from Crime No.827/2013 of Bekal Police Station for the offences punishable under Sections 342, 323 and 363 read with Section 34 IPC.

2. According to the petitioners, the matter has been amicably settled between them and the de facto complainant in the case. The de facto complainant has filed Annexure-A2 affidavit affirming that the matter has been amicably settled between the parties and that he has no complaints against the petitioners.

3. Whatever it is, the allegations levelled against the petitioners are very grave and serious. A clear case of

abduction is alleged. It is also alleged that the de facto complainant, who was abducted, was confined for quite a long time. Considering the seriousness of the allegations against the petitioners, this Court is of the view that the settlement arrived at between the parties cannot be accepted or endorsed by this Court.

4. At the same time, the court below can take note of the settlement arrived at between the parties, take the case out of turn, and dispose of it, expeditiously.

With the said observations, this CrI.M.C. is dismissed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/04/11

// True Copy //

PA to Judge