

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

Crl.MC.No. 6644 of 2015

**CC.NO.29/2012 & LP 4/2014 OF CHIEF JUDICIAL MAGISTRTE COURT,
PATHANAMTHITTA.
CRIME NO. 538/2011 OF PATHANAMTHITTA POLICE STATION, PATHANAMTHITTA.**
.....

PETITIONER:

**SHAMNAD, AGED 24 YEARS,
S/O.BASHEER, SHAMNAD MANZIL,
KONNAMUD P.O., VETTIPURAM MURI,
PATHANAMTHITTA DISTRICT.**

BY ADV. SMT.L.SMITHARAJ

RESPONDENT(S)/DE-FACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**
- 2. VAMADEVAN, AGED 60 YEARS,
S/O.GOVINDAN, KALPAKASSERIYIL HOUSE,
ANAPPARA, PATHANAMTHITTA VILLAGE,
PATHANAMTHITTA, PIN - 688 608.**

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE
R2 BY ADV. SRI.M.MANOJ KUMAR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 27-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1 : TRUE COPY OF THE FIR IN CRIME NO.538/2011 DATED 16.7.2011
REGISTERED BY PATHANAMTHITTA POLICE STATION.

ANNEXURE A2 : CERTIFIED COPY OF THE FINAL REPORT IN CC NO.29/12 ON
FILE OF CHIEF JUDICIAL MAGISTRATE COURT,
PATHANAMTHITTA.

ANNEXURE A3 : AFFIDAVIT DATED 8.6.2015.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

B. KEMAL PASHA, J.

.....
CRL. M.C. No. 6644 of 2015
.....

Dated this the 27th day of October, 2015

ORDER

Petitioner is the accused in C.C.No.29/12, which is presently pending as L.P.No.4/2014 of the Chief Judicial Magistrate's Court, Pathanamthitta. The same is based on Crime No.538/2011 of the Pathanamthitta Police, registered for the offence punishable under Section 393 IPC.

2. According to the petitioner, he has settled the matter amicably with the defacto complainant. It seems that the defacto complainant has filed Annexure A3 affidavit affirming that the matter has been amicably settled between him and the petitioner, and that he has no complaints against the petitioner. Considering the seriousness of the allegations against the petitioner and the offence involved,

this Court is not in a position to accept and endorse the terms arrived at between the parties.

3. The court below shall dispose of the application seeking bail that may be filed by the petitioner, in case of his surrender before the court below within ten days from today, on the date of filing itself, provided advance notice has been served to the learned Assistant Public Prosecutor in charge of the case. While disposing of the application, the court below shall take note of the fact that the matter has been settled between the parties. Even though such a settlement cannot be accepted, the court below shall expedite the proceedings in the case and dispose it of expeditiously, by taking note of the fact that the matter has been settled.

In the result, this Crl.M.C. is disposed of as above.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge