

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

Crl.MC.No. 6673 of 2015 ()

**CC.NO. 602/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, NADAPURAM
CRIME NO. 213/2012 OF NADAPURAM POLICE STATION, KOZHIKODE**

PETITIONERS/ACCUSED NO. 2 :

**SIRAJ
S/O. KHALID, AGED 25 YEARS
OLIPPIL HOUSE, THUNERI
MUDAVANTHERI, VATAKARA TALUK.**

BY ADV. SRI.ZUBAIR PULIKOOL

RESPONDENTS/COMPLAINANT :

- 1. BALAN
S/O. KANNAN, AGED 59 YEARS
KARUVANTAVIDA HOUSE
P.O. THUNERI, THUNERI AMSOM DESOM
VATAKARA TALUK, PIN – 673 101.**
- 2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM,PIN – 682 031.**

**R1 BY ADV. SMT.A.P.RUFAIJA
R2 BY PUBLIC PROSECUTOR SMT.P. MAYA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 28-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

...2/-

Crl.MC.No. 6673 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE 1 : CERTIFIED COPY OF FINAL REPORT IN CRIME 213/2012 OF
NADAPURAM POLICE STATION.**

**ANNEXURE 2 CERTIFIED COPY OF THE JUDGMENT IN CC NO. 1100/2012 ON
THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
NADAPURAM.**

ANNEXURE 3 SWORN AFFIDAVIT OF 1ST RESPONDENT.

RESPONDENT'S ANNEXURES : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

B. KEMAL PASHA, J.

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Crl.M.C. No.6673 of 2015 C
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Dated this the 28th day of October, 2015

ORDER

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Petitioner is the 2nd accused in Annexure1 final report alleging offences punishable under Sections 143, 147, 148, 341, 323 and 324 read with Section 149 IPC.

2. Through Annexure-2 judgment, A1 and A3 in the case were acquitted, as the matter was settled. Even though there were only three accused, it seems that the offences under Sections 143, 147 and 148 IPC are also incorporated. It seems that PW1 has deposed before the court below that he could not identify any of the accused.

3. Presently, the matter has been amicably settled between the petitioner and the de facto complainant, who is the 1st respondent herein. The 1st respondent has filed Annexure-3 affidavit affirming that the matter has been amicably settled between him and the petitioner and

presently, he has no complaints against the petitioner. In the light of the acquittal of the other accused and the settlement arrived at between the parties, the continued prosecution in CC No.602/2015 of the Judicial First Class Magistrate's Court, Nadapuram will be a waste of time. Matters being so, all further proceedings against the petitioner in CC No.602/2015 of the Judicial First Class Magistrate's Court, Nadapuram, which has arisen from Crime No.213/2012 of Nadapuram Police Station, can be quashed.

In the result, this Crl.M.C. is allowed and Annexure-1 final report and all further proceedings against the petitioner in CC No.602/2015 of the Judicial First Class Magistrate's Court, Nadapuram, which has arisen from Crime No.213/2012 of Nadapuram Police Station, are quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/28/10

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PA to Judge