

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

Crl.MC.No. 6681 of 2015

**LP 56/2007 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, PERINTHALMANNA
CRIME NO. 148/1996 OF PERINTHALMANNA POLICE STATION, MALAPPURAM**

PETITIONER(S)/3RD ACCUSED:

**ABDUL JABBAR, AGED 45 YEARS,
S/O.AHAMMED (LATE), KOLAKKADAN HOUSE, PERINTHALMANNA,
MALAPPURAM DISTRICT.**

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT(S)/STATE/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY ASST SUB INSPECTOR OF POLICE,
PERINTHALMANNA POLICE STATION,
MALAPPURAM DISTRICT THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. CHEMMANATH HAMSA @ KUTTAMAN,
S/O.MOOSA, CHEMMANATH HOUSE, MANATHUMANGALAM,
PERINTHALMANNA AMSOM, PERINTHALMANNA TALUK,
MALAPPURAM DISTRICT 679322.**

R1 BY PUBLIC PROSECUTOR SMT.MAYA

R2 BY ADV. SMT.P.M.SHAHIDA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Crl.MC.No. 6681 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE 1:-COPY OF THE FIRST INFORMATION REPORT IN CRIME NO 148/1996 OF
PERINTHALMANNA POLICE STATION, DTD 26/4/1996**

**ANNEXURE II:-TRUE COPY OF THE FINAL REPORT BEFORE THE JFCM COURT,
PERINTHALMANNA AS LP NO 56/2007, DTD 29/9/1996**

**ANNEXURE III:-CERTIFIED COPY OF THE JUDGMENT DTD 17/2/2009 IN CC NO
599/2008 BEFORE THE JFCM COURT II, PERINTHALMANNA**

**ANNEXURE IV:-THE ORIGINAL OF THE AFFIDAVIT DTD 12-9-2015 EXECUTED BY THE
2ND RESPONDENT**

RESPONDENT(S)' ANNEXURE

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B.KEMAL PASHA, J.

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Crl.M.C. No. 6681 of 2015

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Dated this the 29th day of October, 2015

ORDER

The petitioner is the 3rd accused in Crime No.148 of 1996 of the Perinthalmanna Police Station registered for the offences punishable under Sections 143, 147, 148, 323 and 324 IPC read with Section 149 IPC.

2. Final Report has been filed in the matter and the case was registered as C.C.No.472 of 2001 before the Judicial First Class Magistrate's Court-II, Perinthalmanna. The petitioner was absconding and the case against the petitioner was entered into Long Pending Register as L.P.No.56 of 2007. The 1st accused was also absconding and the case against him was split up and re-filed as C.C.No.599 of 2008. All the accused except the petitioner and the 1st accused in C.C.No.472 of 2001 were acquitted. Subsequently, the 1st accused was also acquitted in

C.C.No.599 of 2008 through Annexure-III judgment.

3. Presently, the matter has been amicably settled between the petitioner and the defacto complainant, who is the 2nd respondent herein. The 2nd respondent has filed Annexure-IV affidavit affirming that the matter has been amicably settled and he has no complaints against the petitioner.

4. When all the other accused were acquitted on the basis of settlement by the court below through two different cases, and especially when the matter has been amicably settled between the petitioner and the 2nd respondent, no purpose would be served in proceeding with the matter any further. Therefore, all further proceedings in L.P.No.56 of 2007 of the Judicial First Class Magistrate's Court-II, Perinthalmanna as against the petitioner herein based on Annexure-II Final Report in Crime No.148 of 1996 of Perinthalmanna Police Station, can be quashed.

In the result, this Crl.M.C. is allowed and all further

proceedings in L.P.No.56 of 2007 of the Judicial First Class Magistrate's Court-II, Perinthalmanna as against the petitioner herein based on Annexure-II Final Report in Crime No.148 of 1996 of Perinthalmanna Police Station, are hereby quashed.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/29/10/15

// True Copy //

P.A. To Judge