

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

CrI.MC.No. 7091 of 2015 ()

CRIME NO. 123/2014 OF THODUPUZHA POLICE STATION, IDUKKI DISTRICT

PETITIONERS/ACCUSED NOS 1,2 & 5 :

- 1. NAJMAL HUSSAIN, AGED 66 YEARS,
S/O. K MYTHEEN KUNJU, THOPPIL,
MAYYANADU P.O., KOLLAM 691 303**
- 2. MOHAMMED MOOSA M.S, AGED 43 YEARS
S/O. M.M SULAIMAN, MUNDACKALPUTHUPARAMBIL
MUNDAKAYAM P.O, KOTTAYAM 686 513**
- 3. SINI SHIHABUDEEN @ SINI N. HUSAIN AGED 34 YEARS
W/O. DR. V.K. SHIHABUDEEN, THOPPIL VEETIL
MAYYANAD P.O.,
KOLLAM DISTRICT PRESENTLY RESIDING IN BARONS 15D
SKYLINE IMPERIAL GARDEN, NEAR IMA HOUSE, KALOOR
ERNAKULAM - 682 017**

**BY ADVS.SRI.ASHIK K.MOHAMMED ALI
SMT.SAJNA T.UMMER
SMT.V.RAIMA RAMESH**

RESPONDENTS/STATE & DEFACTO COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY THE DEPUTY SUPERINTENDENT OF POLICE
THODUPUZHA, IDUKKI DISTRICT
(THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM)**
- 2. DR. V.K. SHIHABUDEEN, AGED 41 YEARS,
S/O. LATE V.P KHAN, RESIDING IN BARONS 15D
SKYLINE IMPERIAL GARDEN, NEAR IMA HOUSE,
KALOOR, ERNAKULAM -682 017**

**R1 BY PUBLIC PROSECUTOR SMT. P. MAYA
R2 BY SRI.S.RAJEEV**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- ANNEXURE A1:** TRUE COPY OF THE COMPLAINT PREFERRED BY THE 2ND RESPONDENT.
- ANNEXURE A2:** TRUE COPY OF THE FIR IN CRIME NO 123 OF 2014 OF THE THODUPUZHA POLCIE STATION.
- ANNEXURE A3:** TRUE COPY OF THE AGREEMENT SIGNED BETWEEN THE 2ND RESPONDENT AND THE 3RD PETITIONER.
- ANNEXURE A4:** THE AFFIDAVIT FILED BY THE 2ND RESPONDENT.
- ANNEXURE A5:** TRUE COPY OF THE JUDGMENT IN CRL M.C NO 6620 OF 2014.
- ANNEXURE A6:** TRUE COPY OF THE JUDGMENT IN CRL M.C NO 4775 OF 2015

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S.TO JUDGE

bp

B. KEMAL PASHA, J.

.....
CRL.M.C. No.7091 of 2015
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Dated this the 17th day of November, 2015

ORDER

Petitioners are accused Nos.1, 2 and 5 in Crime No.123/2014 of the Thodupuzha Police Station, Idukki registered for the offences punishable under Sections 120 (b), 307, 362, 365, 337, 341 and 506(ii) read with Section 34 of the Indian Penal Code. The first petitioner herein is the father-in-law of the 2nd respondent.

2. The incident involved in this case is allegedly on account of the disputes between the defacto complainant, who is the 2nd respondent in this case, and his wife. It has been reported that presently all the disputes between the defacto complainant and his wife have been resolved and they are now living together. The 1st petitioner is the father in law of the 2nd respondent. The defacto complainant has filed

Annexure-A4 affidavit affirming that the matter has been amicably settled between him and the petitioners and he has no complaints against the petitioners.

3. When the matter has been amicably settled between the parties, no purpose would be served in proceeding with the matter any further. Matters being so, all further proceedings in Annexure-A2 First Information Report in Crime No.123/14 of the Thodupuzha Police Station, can be quashed.

In the result, this Crl.M.C. is allowed and all further proceedings in Annexure-A2 First Information Report in Crime No.123/14 of the Thodupuzha Police Station, are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge