

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

Crl.MC.No. 6661 of 2014

**CC 2732/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, KASARAGOD
CRIME NO. 219/2014 OF VIDYA NAGAR POLICE STATION , KASARGOD**

PETITIONER(S)/ACCUSED:

**ABDUL KHADER C.A., AGED 42 YEARS
S/O.ABDULLA, DARUL NAJATH HOUSE, NEAR ORPHANAGE
ALAMPADY, MUTTATHODY VILLAGE, KASARAGOD.**

BY ADV. SRI.S.JIJI

RESPONDENTS/DE-FACTO COMPLAINANT,INJURED & STATE:

- 1. KHADEEJA, AGED 42 YEARS
W/O.HAMEED, DARUL TOUFEEQ MADAKKATHIL, ALAMPADY
MUTTATHODY VILLAGE, KASARAGOD-671123.**
- 2. SAHAD, AGED 19 YEARS
S/O.HAMEED, DARUL TOUFEEQ MADAKKATHIL, ALAMPADY
MUTTATHODY VILLAGE, KASARAGOD-671123.**
- 3. NAFEESA, AGED 55 YEARS
D/O.KUNHAMINA, DARUL TOUFEEQ MAADAKKATHIL, ALAMPADY
MUTTATHODY VILLAGE, KASARAGOD-671123.**
- 4. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

R1 BY ADV. SMT.K.S.SANTHI

R4 BY PUBLIC PROSECUTOR SRI. JIBU P.THOMAS

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-02-2015, ALONG WITH CRMC. 6662/2014, THE COURT ON THE SAME
DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE-A1 FINAL REPORT IN CR.219/2014 OF KASARAGOD POLICE STATION
FILED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-
I,KASARAGOD**

ANNEXURE-A2(A) AFFIDAVIT DATED 1/11/2014 SWORN BY THE 1ST RESPONDENT

ANNEXURE-A-2(B) AFFIDAVIT DATED 1/11/2014 SWORN BY THE 2ND RESPONDENT

ANNEXURE-A-2(C) AFFIDAVIT DATED 1/11/2014 SWORN BY THE 3RD RESPONDENT.

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B.KEMAL PASHA, J.

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Crl.M.C. Nos. 6661 & 6662 of 2014

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Dated this the 23rd day of February, 2015

ORDER

The accused in C.C.No.2732/2014 of the Judicial First Class Magistrate's Court-I, Kasargod, for the offences punishable under Sections 341, 323 and 506(I) IPC, is the petitioner in Crl.M.C.No.6661/2014. He has come up for getting Annexure-A1 Final Report and all further proceedings in C.C.No.2732/2014 of the Judicial First Class Magistrate's Court-I, Kasargod, quashed. The said case has arisen from Crime No.219/2014 of the Vidyanagar Police Station.

2. The accused in C.C.No.49/2015 pending before the Judicial First Class Magistrate's Court, Kasargod, which has arisen from Crime No.425/2014 of the Vidyanagar Police Station, are the petitioners in Crl.M.C No.6662/2014. They have come up for getting Annexure-A1 FIR, and Annexure-A3 Final Report and all

further proceedings in C.C.No.49/2015 of the Judicial First Class Magistrate's Court, Kasaragod, quashed. C.C.No.49/2015 is pending for the offences punishable under Sections 448, 323 and 354 IPC read with Section 34 IPC.

3. The prosecution case in C.C.No.2732/2014 is that on 07.04.2014 at 2.45 p.m., the accused pushed down CW1, kicked CW2 and pushed and slapped CW3.

4. The prosecution case in C.C.No.49/2015 is that on 29.07.2014 at 2 p.m., they committed trespass into the house of CW1 and pushed CW1 which has resulted in her head hitting the wall and by the said act, they have outraged the modesty of CW1.

5. According to the petitioners, the matters in controversy in both the cases have been amicably settled between the parties and presently the victims in both the cases have no complaints against the

petitioners. CWs.1 to 3 in C.C.No.2732/2014 are respondents 1 to 3 in Crl.M.C. No.6661/2014. They have entered appearance and have filed separate affidavits affirming that the matter has been amicably settled and presently they have no complaints against the petitioners. Similarly, CW1 in C.C.No.49/2015 has entered appearance and filed a detailed affidavit in which it has been affirmed that the matter has been amicably settled between her and the petitioners and she has no complaints against the petitioners. When both the matters have been amicably settled, and victims have no complaints against the petitioners, I am of the view that both the Crl.M.Cs. can be allowed, especially when the complaints raised against the petitioners are trivial in nature.

In the result, these Crl.M.Cs. are allowed and Annexure-AI Final Report in Crime No.219/2014 of the

Vidyanagar Police Station, and all further proceedings based on it in C.C.No.2732/2014 pending before the Judicial First Class Magistrate's Court-I, Kasaragod, and Annexure-A1 FIR and Annexure-A3 Final Report in Crime No.425/2014 of the Vidyanagar Police Station, and all further proceedings based on it in C.C.No.49/2015 of the Judicial First Class Magistrate's Court, Kasaragod, are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

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//True copy//

P.Ato Judge