

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937

Crl.MC.No. 6858 of 2014

**C.C.NO.160/2010 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
PATHANAMTHITTA**

PETITIONER(S)/ACCUSED NO.1 :

**MOHAMMED YASAR M., AGED 25 YEARS,
S/O.MOHAMMED HANEEF, SUMAYYA MANZIL, THOPPIL,
VALANCHUZH, PATHANAMTHITTA DISTRICT.**

**BY ADVS.SRI.S.SHANAVAS KHAN
SMT.S.INDU**

RESPONDENT(S)/STATE/COMPLAINANT :

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SREELAL, AGED 25 YEARS,
S/O.SURENDRAN NAIR, SREE RAGAM HOUSE,
VALLICODE VILLAGE, PATHANAMTHITTA DISTRICT- 689 545.**

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE
R2 BY ADV. SRI.R.RAJESH**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 12-05-2015, THE COURT ON 22-05-2015 PASSED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A: TRUE COPY OF THE FIR IN CRIME NO. 521/2010 OF
PATHANAMTHITTA POLICE STATION.**

**ANNEXURE B: TRUE COPY OF THE FINAL REPORT IN CRIME NO. 521/2010
OF PATHANAMTHITTA POLICE STATION.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Dated this the 22nd day of May, 2015.

ORDER

The petitioner herein is the accused No.1 in the impugned Annexure-A FIR in Crime No.521/2010 of Pathanamthitta police Station registered for offences punishable under Secs.323 & 324 r/w 34 IPC. The police after investigation submitted Annexure -B Final Report/Charge Sheet in Anneure-A FIR in Crime No.521/2010 of Pathanamthitta Police Station, which has led to the pendency of C.C.No.160/2010 on the file of the Judicial First Class Magistrate Court-I, Pathanamthitta. As the petitioner herein was not available for trial, the case against him was split up and renumbered as C.C.No.1917/2014 on the file of the aforementioned court in which the petitioner was arrayed as the 1st accused. The trial against the 2nd accused proceeded and accused No.2 was acquitted by the court below as per judgment dated 16.12.2014 in C.C.No.160/2010. Now, the 2nd respondent has settled the matter with the petitioner as evident from the affidavit dated 11.8.2014 produced along with the Crl.M.C. It is in the

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light of these facts and circumstances that the petitioner has sought the prayer for quashment of the impugned criminal proceedings.

2. Heard Sri.S.Shanavas Khan, learned counsel appearing for the petitioner, Sri.R.Rajesh, learned counsel appearing for the 2nd respondent and the learned Public Prosecutor appearing for the 1st respondent-State.

3. The petitioner and the 2nd respondent submitted that the entire disputes between them have been settled amicably and it is further pointed out that the co-accused (A2) has already been acquitted as per judgment dated 16.12.2014 in C.C.No.160/2014 on the file of the Judicial First Class Magistrate Court-I, Pathanamthitta. It was held in the said judgment that prosecution has failed to prove the guilt of the accused beyond reasonable doubt and that as the matter has been settled out of court the witnesses have not tendered any evidence against the accused.

4. Considering the fact that the matter has been settled between the parties and considering the fact that the co-accused has already been acquitted as per the judgment in C.C.No.160/2014, it is ordered that the impugned criminal proceedings pending against the petitioner as per Annexure-B Final Report/Charge Sheet filed in

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impugned Annexure-A FIR in Crime No.521/2012 of Pathanamthitta Police Station which has led to the pendency of C.C.No.1917/2014 on the file of the Judicial First Class Magistrate Court-I, Pathanamthitta and all further proceedings arising therefrom stand quashed. The petitioner shall produce a certified copy of this order before the Station House Officer concerned as well as before the court below concerned.

With these observations and directions, this Crl.M.C stands finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-