

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

Cri.MC.No. 7043 of 2014 ()

AGAINST THE ORDER/JUDGMENT IN CC 1217/2014 of J.M.F.C.-II, HOSDRUG
CRIME NO. 157/2008 OF CHITTARIKAL POLICE STATION, KASARGOD

PETITIONER(S)/PETITIONER/ACCUSED:

SHIBU.N.K. AGED 32 YEARS
S/O.GOPALAN, RESIDING AT PRAPOYIL,
P.O.CHITTARIKKAL
HOSDURG TALUK, KASARGOD DISTRICT.

BY ADVS.SRI.T.K.VIPINDAS
SRI.K.V.SREE VINAYAKAN
SRI.K.M.MUHAMMED HUSSAIN

RESPONDENT(S)/RESPONDENTS/STATE:

1. THE STATE OF KERALA
RESPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031
REPRESENTING STATION HOUSE OFFICER
CHITTARIKAL POLICE STATION-671128.
2. RAMACHANDRAN K.S., AGED 50 YEARS
S/O SANKARA PILLA, KUPPADAKKATH HOUSE
RESIDING AT KONNAKKAD, MALOM VILLAGE, HOSDURG TALUK
KASARGOD DISTRICT-671121.

R2 BY ADV. SRI.A.L.GEORGE
R BY PUBLIC PROSECUTOR SMT.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
03-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 7043 of 2014 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1: TRUE COPY OF THE FIR IN CRIME NO.157/2008 OF CHITTARIKKAL
POLICE STATION.

ANNEXURE A2: TRUE COPY OF THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT
DATED 3.11.2014.

ANNEXURE A3 TRUE COPY OF THE JUDGMENT IN CC.1310/2008 DTD 5.6.11 OF JFCM-
II, HOSDURG

RESPONDENT(S)' EXHIBITS : NIL

// True Copy //

PA to Judge

B. KEMAL PASHA, J.

.....
Crl.M.C. No.7043 of 2014
.....

Dated this the 3rd day of September, 2015

ORDER

~ ~ ~ ~ ~

Petitioner is the 3rd accused in Crime No.157/2008 of Chittarikkal Police Station which was registered for the offences punishable under Sections 143, 147, 148, 341 and 324 read with Section 149 IPC. Later, the case was charge sheeted and numbered as C.C.1310/2008 before the Judicial First Class Magistrate's Court-II, Hosdurg. The petitioner was absconding. The offences involved in C.C.1310/2008 were compounded by the de facto complainant and all the other accused, and consequently, they were acquitted. The case against the petitioner was refiled and entered in the LP Register as L.P.22/2012.

2. The petitioner was abroad. On his coming to India, he was enlarged on bail and presently, the case is

pending as C.C.1217/2014 before the court below. The offences are compoundable. The offences have been compounded between the petitioner and the de facto complainant. An affidavit has been filed by the de facto complainant, who is the 2nd respondent herein. When the matter has been compounded, there is no meaning in proceeding with the matter further. Apart from that, all the other accused were acquitted. No fruitful purpose would be served in proceeding with the matter.

In the result, this Crl.M.C. is allowed and all further proceedings in C.C.1217/2014 of the Judicial First Class Magistrate's Court-II, Hosdurg are quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/03/09

// True Copy //

PA to Judge