

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

CrI.MC.No. 7264 of 2014 ()

CC.NO. 527/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II
(FOREST OFFENCES), MANJERI
CRIME NO. 127/2011 OF VAZHAKKAD POLICE STATION , MALAPPURAM DISTRICT

PETITIONERS/IST AND 2ND ACCUSED:

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1. AHAMMEDKUTTY,S/O.UNNIMOYIN,
EDATHODI HOUSE, VAZHAKKAD P.O.,
MALAPPURAM DISTRICT-673 640.
 2. BICHALI,S/O AVARAN HAJI,
EDATHODI HOUSE, VAZHAKKAD P.O.,
MALAPPURAM DISTRICT-673 640.

BY ADV. SRI.K.VIDYASAGAR

RESPONDENTS/DEFACTO COMPLAINANT AND STATE:

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1. MARIYUMMA,
D/O KUNHIMOHAMMED KURIKKAL,
RESIDING AT EDATHODI HOUSE, VAZHAKKAD P.O.,
KONDOTTY TALUK.
 2. AMINA,D/O MOHAMMED,
RESIDING AT EDATHODIPURAYIL HOUSE,
VAZHAKKAD P.O., KONDOTTY TALUK,
MALAPPURAM DISTRICT-673 640.
 3. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R1 & R2 BY ADV. SMT.K.V.SAMUDRA
R3 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

sts

Crl.MC.No. 7264 of 2014 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEX 1: CERTIFIED COPY OF FIR AND FIS IN CRIME NO.127/2011.**
- ANNEX 2: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.127/2011.**
- ANNEX 3: AFFIDAVIT OF IST AND 2ND RESPONDENT.**
- ANNEX 4: CERTIFIED COPY OF THE MEMORANDUM OF EVIDENCE IN CRIME NO.127/2011 OF VAZHAKKAD POLICE STATION.**

RESPONDENT(S)' ANNEXURES: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

B. KEMAL PASHA, J.

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Crl.M.C. No.7264 of 2014
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Dated this the 21st day of January, 2015

ORDER

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This is a petition filed under Section 482 of the Code of Criminal Procedure.

2. Petitioners are the accused in Crime No.127/2011 of Vazhakkad Police Station, Malappuram, presently pending as C.C.527/2014 of the Judicial First Class Magistrate's Court-II, Manjeri for the offences punishable under Sections 341, 323 and 354 read with Section 34 IPC.

3. Petitioners have come up with this petition under Section 482 Cr.P.C. for getting Annexure-2 Final Report in Crime No.127/2011 of Vazhakkad Police Station as against the petitioner and all further proceedings based on it in C.C.527/2014 pending before the Judicial First Class Magistrate's Court-II, Manjeri, quashed.

4. The prosecution case is that on 08.04.2011 at 7 a.m., the petitioners wrongfully restrained CWs 1 and 2 and slapped and stamped them thereby outraging their modesty. According to the petitioners, the matter has been amicably settled between them and CW1 and CW2 and presently, CW1 and CW2 have no complaints against the petitioners.

5. CW1 and CW2 have filed an affidavit affirming that all the matters in dispute between them and the petitioners have been amicably settled and, therefore, they have no complaints against the petitioners and, therefore, all further proceedings in the matter referred to above can be quashed. CW1 and CW2 have entered appearance through their counsel. The learned counsel for CW1 and CW2 also endorses the fact that the affidavit has been sworn in by CW1 and CW2 on their own volition.

6. When all the disputes have been settled between the parties and as CW1 and CW2 have no complaints against the petitioners, it is only just and expedient in the

interest of justice to quash the proceedings referred to above.

In the result, this Crl.M.C. is allowed and Annexure-2 Final Report in Crime No.127/2011 of Vazhakad Police Station as against the petitioners and all further proceedings based on it in C.C.527/2014 pending before the Judicial First Class Magistrate's Court-II, Manjeri are hereby quashed.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/21/01

*// True Copy //*

*PA to Judge*