

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE P.BHAVADASAN**

**FRIDAY, THE 29TH DAY OF NOVEMBER 2013/8TH AGRAHAYANA, 1935**

**CrI.MC.No. 5687 of 2013 ()**  
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**(CP 49/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE  
COURT-1,THAMARASSERY, KOZHIKODE DISTRICT.)  
(CRIME NO. 699/2012 OF THAMARASSERY POLICE STATION , KOZHIKODE)**

**PETITIONER(S)/IST ACCUSED AND 2ND ACCUSED:**  
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- 1. ASHRAF KORANGAD,  
S/O.ABDU RAHMAN, SONA MANZIL, VATTAKOM,  
KORANGAD, THAMARASSERY P.O., KOZHIKODE DISTRICT.**
- 2. SHAHIDA,  
W/O.ABDUL RASHEED, VALLAPIL POZHIIYIL HOUSE, KORANGAD,  
THAMARASSERY P.O., KOZHIKODE DISTRICT.**

**BY ADV. SRI.LUIZ GODWIN D COUTH**

**RESPONDENTS/DEFACTO COMPLAINANT :**  
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- 1. STATE OF KERALA,  
REP.BY THE SUB INSPECTOR OF POLICE,  
THAMARASSERY POLICE STATION,  
THORUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA,  
ERNAKLULAM.**
- 2. JASEERA,  
D/O.ABDUL RASHEED, VALLAPPIL POZHIIYIL HOUSE, KORANGADU,  
KODVOOR VILLAGE, THAMARASSERY P.O.,  
KOZHIKODE DISTRICT- 673 001.**

**R1 BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN  
R2 BY ADV. SRI.JOSE KURIAKOSE**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 29-11-2013, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

Crl.MC.No. 5687 of 2013 ()

**APPENDIX**

**PETITIONER'S ANNEXURES**

- ANX.A. THE CERTIFICATE COPY OF THE FIR IN CRIME NO. 699/2012.
- ANX.B. THE TRUE COPY OF THE FINAL REPORT IN CRIME NO. 699/2012.
- ANX.C. THE ORIGINAL OF THE AFFIDAVIT SWORN BY THE 2ND  
RESPONDENT/DEFACTO COMPLAINANT.

**RESPONDENT(S) ANNEXURES : NIL.**

**// TRUE COPY //**

**P.A. TO JUDGE.**

**SV**

**P.BHAVADASAN, J.**

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Crl.M.C. No. 5687 of 2013  
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Dated this the 29<sup>th</sup> day of November, 2013

**ORDER**

This is a petition filed under Section 482 of Cr.P.C. seeking to have all further proceedings in C.P. No. 49 of 2013 pending before the Judicial First Class Magistrate Court-I, Thamarassery quashed.

2. Petitioners are accused Nos 1 and 2 in Crime No. 699 of 2012 of Thamarassery Police Station who are alleged to have committed the offences punishable under Sections 452, 354, 109 and 511 of 376 read with Section 34 of IPC.

3. It is unnecessary to go into the facts and details of the case for the simple reason that this petition can be disposed of on a short ground.

4. Petitioners have impleaded the defacto complainant/victim as the second respondent in this proceedings who has entered appearance through a counsel. The learned counsel appearing for the second respondent

accepts that Annexure C affidavit produced along with this petition is one sworn to by the defacto complainant herself and she stands by the statements contained therein.

5. On going through the said affidavit, it is seen that the parties have settled all their disputes and differences between them and no issues remain to be redressed. The second respondent has pointed out that she does not wish to continue with the proceedings and she wants to give a quietus to the issue.

6. Though the offences may not be compoundable, In the light of the stand taken by the second respondent that she does not wish to proceed with the matter, it is felt that continuance of proceedings will be only an exercise in futility.

In the result, this petition is allowed. All further proceedings in C.P. No. 49 of 2013 pending before the Judicial First Class Magistrate Court-I, Thamarassery including the final report based on which cognizance was

taken shall stand quashed and the petitioners shall stand discharged.

**P.BHAVADASAN  
JUDGE**

ds