

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 30TH DAY OF DECEMBER 2014/9TH POUSHA, 1936

Cr1.MC.No. 6241 of 2014 ()

CC 684/2009 AND L.P.No.143/2008 of J.M.F.C., SASTHAMCOTTA
CRIME NO. 358/2003 OF SASTHAMCOTTA POLICE STATION

PETITIONER(S)/ACCUSED :-

1. NIZAMUDEEN, AGED 43 YEARS
S/O.ALIYARUKUNJU, THAYIL VEEDU, (SEENATH MANZIL)
KOYIVILA MURI, THEVALAKKARA VILLAGE, KOLLAM DISTRICT.
2. THAHA KUNJU, AGED 46 YEARS
S/O.ALIYARUKUNJU, THAYIL VEEDU, (SEENATH MANZIL)
KOYIVILA MURI, THEVALAKKARA VILLAGE, KOLLAM DISTRICT.
3. NAZAR, AGED 47 YEARS
S/O.IBRAHIM KUTTY, RIYAS MANZIL, VADUTHALA MURI
PANMANA VILLAGE, KOLLAM DISTRICT.
4. BADARUDEEN, AGED 41 YEARS
S/O.ALIYARUKUNJU, THAYIL VEEDU, KOYIVILA MURI
THEVALAKKARA VILLAGE, KOLLAM DISTRICT.

BY ADV. SRI.K.SIJU
SMT.SEETHA S.

RESPONDENT(S)/COMPLAINANT AND STATE :-

1. STATE OF KERALA
REPRESENTED BY SUB INSPECTOR OF POLICE
SASTHAMCOTTA POLICE STATION THROUGH PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-695001.
2. SHABEERA, AGED 33 YEARS
D/O.SHAHUL HAMEED KUNJU
KARAKAYITHEKKATHIL (PALAVILAYIL), VENGA MURI
MYNAGAPPALLY VILLAGE, KOLLAM DISTRICT-691001.

R1 BY PUBLIC PROSECUTOR SRI.R.GITHESH
R2 BY ADV.SRI.VINAYA KUMAR K.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
30-12-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS :-

ANNEXURE 1 : TRUE COPY OF THE PRIVATE COMPLAINT AND FIR IN CRIME NO.358/2003 OF SASTHAMCOTTA POLICE STATION.

ANNEXURE 2 : TRUE COPY OF THE FINAL REPORT IN CRIME NO.358/2003 OF SASTHAMCOTTA POLICE STATION.

ANNEXURE 3 : THE AFFIDAVIT SWORN BY R2/DEFACTO COMPLAINANT REGARDING COMPROMISE DT.31-10-2014.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

P.BHAVADASAN, J.

Crl.M.C. No.6241 of 2014

Dated this the 30th day of December 2014

ORDER

On a private complaint forwarded for investigation under Sec.156(3) of Cr.P.C., Crime No.358 of 2003 was registered for offence punishable under Sec.498A r/w Sec.34 IPC. After investigation, final report was laid, cognizance for the offence was taken as C.C.684 of 2009. On inability of the court below to procure the presence of the accused, the case was transferred to L.P. as L.P.No.143 of 2008 before J.F.C.M. Court, Sasthamcotta.

2. In the mean while, the petitioners have pointed out before this Court that the issue between the de facto complainant and them have been amicably settled and that the de facto complainant has no further grievance in the matter. They have produced an affidavit as Annexure-3 said to have been sworn to by the de facto complainant.

3. The de facto complainant who is arrayed as the 2nd respondent in this proceedings is represented by her counsel, who accepts that the affidavit has been filed by the de facto

complainant and stands by the statements contained therein.

4. In the light of the fact that no public issue or social issues are involved and it is purely a dispute between the parties, no reason as to why the proceedings being continued when the de facto complainant is unwilling to do so. Further continuance of proceedings would only be a sheer waste of time.

For the above reason, this petition is allowed. C.C.No.684 of 2009, which is pending as L.P.No.143 of 2008 before JFCM, Sasthamcotta and also the final report in Crime No.358 of 2003 based on which cognizance was taken by the court below shall stand quashed.

**Sd/-
P.BHAVADASAN, JUDGE.**