

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE G. GIRISH

FRIDAY, THE 29TH DAY OF DECEMBER 2023 / 8TH POUSHA, 1945

CRL.MC NO. 11346 OF 2023

CRIME NO.1359/2021 OF Velloor Police Station, Kottayam
AGAINST THE ORDER IN CC 1272/2021 OF JUDICIAL MAGISTRATE OF
FIRST CLASS, VAIKOM

PETITIONER:

NIBU NAZEER@NAHAS NAZEER
AGED 36 YEARS, S/O (LATE) M.U.NAZEER,
NAHAS MANSIL HOUSE , MANACKAKADAVU BHAGOM,
VELLOOR, MEVALLOOR P.O, KOTTAYAM (DT), PIN 686 609

BY ADV MRINUAAL

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN 682 031
- 2 STATION HOUSE OFFICER
VELLOOR POLICE STATION, KOTTAYAM (RURAL),
PIN - 686 616
- 3 SONEY ZAKARIA
AGED 55 YEARS, S/O ZAKARIA.K.K, KANJIRAPPARAMBIL
ANNAS HOUSE VALAVUNKAL BHAGOM, KAIPPATTOOR P.O,
ERNAKULAM (DT), PIN - 682 313

BY ADV

SRI.SANGEET RAJ - PP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
29.12.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

G.GIRISH, J.

Crl.M.C. No.11346 of 2023

Dated this the 29th day of December, 2023

ORDER

The petitioner, in this case, is the sole accused in Crime No.1359 of 2021 of Velloor Police Station, Kottayam, which has been registered alleging commission of offences punishable under Sections 341, 294(b) and 323 of the Indian Penal Code. The case is now pending before the Judicial First Class Magistrate Court – I, Vaikkom as C.C. No.1272 of 2021.

2. In the present petition, the petitioner would contend that the issue involved in the said case has been amicably settled with the *defacto* complainant therein, and hence the proceedings are to be quashed. Adv.Jayaprakash Narayanan, the learned counsel, has filed vakalath for the *defacto* complainant in this case. It is submitted by the learned counsel for the *defacto* complainant that the disputes between the parties have been sorted out and that the *defacto* complainant is no longer interested in proceeding with the prosecution.

3. The *defacto* complainant has filed an affidavit dated 22.12.2023 stating the settlement of the issue with the petitioner. It is further stated in the affidavit that the *defacto* complainant has no objection in quashing Annexure A1 Final report.

4. The learned Public Prosecutor, on instructions from respondents 1 and 2, would submit that the investigating officer has filed a statement to the effect that the issue involved in this case was found to be settled amicably between the parties. The report of the investigating officer in the above regard, along with a copy of the statement of the *defacto* complainant, is placed for the perusal of this Court by the learned Public Prosecutor.

5. Having regard to the above facts and circumstances of the case, I am of the view that there is absolutely no need to further proceed with C.C. No.1272 of 2021 of the Judicial First Class Magistrate Court - I, Vaikkom. Therefore, the prayer in this petition has to be allowed.

In the result, this Crl.M.C., stands allowed. The case pending before the Judicial First Class Magistrate Court – I, Vaikkom as C.C. No.1272 of 2021 stands quashed.

Sd/-

G. GIRISH, JUDGE

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APPENDIX OF CRL.MC 11346/2023

PETITIONER ANNEXURES

Annexure 1 TRUE COPY OF THE FINAL REPORT NUMBERED 1338/21
DATED 03/12/2021 FILED BEFORE THE HONOURABLE
JFCM-1-VAIKKOM

Annexure 2 TRUE COPY OF THE AFFIDAVIT DTD 22 /12/2023 I