

**Riyas Vs. State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1096343](http://sooperkanoon.com/1096343)

**Court :** Kerala

**Decided On :** Oct-31-2013

**Judge :** Honourable Mr.Justice V.Chitambaresh

**Appellant :** Riyas

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN THURSDAY, THE 31<sup>ST</sup> DAY OF OCTOBER 2013 9<sup>TH</sup> KARTHIKA, 1935 CrI.MC.No. 5026 of 2013 ----- [L.P. NO.158/2008 IN CC. NO.890/2005 (SPLIT UP FROM C.C. 567/2002) OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, SASTHAMCOTTA, CRIME NO. 109/2002 OF CHAVARA -THEKKUMBHAGOM POLICE STATION , KOLLAM] ..... PETITIONER/ACCUSED1 ----- RIYAS, (A.1), AGED 32 YEARS, S/O. BASHEER, B.R. MANZIL, KOCHINGAMPARAMBU, KANGIRAMCHIRA MURI, ARYAD VILLAGE, ALAPPUZHA DISTRICT. BY ADV. SRI.P.V.DILEEP. RESPONDENT/COMPLAINANT/ CW1 AND CW2: ----- 1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. SULAI MUTHU, AGED43YEARS, D/O. UMAIBA, KADUVINAL VILAYIL VEEDU, NOW RESIDING AT PLAVILATHEKKETHIL, PALACKAL MURI, THEVELAKKARA VILLAGE, KARUNAGAPPALLY TALUK, KOLLAM DISTRICT - 690 524. Prv. CRL.M.C. NO.5026/2013:

3. LIBINAMOL, AGED22YEARS, D/O. SULAI MUTHU, KADUVINAL VILAYIL VEEDU, NOW RESIDING AT PLAVILATHEKKETHIL, PALACKAL MURI, THEVELAKKARA VILLAGE, KARUNAGAPPALLY TALUK, KOLLAM DISTRICT - 690 524. R1 BY PUBLIC PROSECUTOR SMT. P. MAYA, R2 & R3 BY ADV. SRI.K.V.ANIL KUMAR. THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON3110-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Prv. CRL.M.C. NO.5026/2013: APPENDIX PETITIONER'S ANNEXURES: ANNEXURE-A: COPY OF THE FINAL REPORT IN CRIME NO.109/2002 OF CHAVARA-THEKKUMBHAGOM POLICE STATION IN KOLLAM DISTRICT. ANNEXURE-B: COPY OF THE

#### JUDGMENT

DTD. 29/09/2005 IN C.C. NO.567/2002 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, SASTHAMCOTTA. ANNEXURE-C: NOTARISED AFFIDAVIT OF THE R.2. DTD. 28/10/2013. ANNEXURE-D: NOTARISED AFFIDAVIT OF THE R.3. DTD. 28/10/2013. RESPONDENTS' ANNEXURES: NIL. //TRUE COPY// P.A. TO JUDGE. Prv. P.BHAVADASAN, J.

----- Crl.M.C. No. 5026 of 2013 -----  
----- Dated this the 31st day of October, 2013 -----

#### ORDER

This is a petition filed under Section 482 of Cr.P.C. seeking to have all proceedings in L.P. No. 158/2008 which arose out of C.C. No. 890/2005 quashed.

2. The petitioner is the first accused in Crime No. 109 of 2002 of Chavara-Thekkumbhagom Police Station which on final report, cognizance was taken as C.C. No. 567/2002. Since the petitioner did not appear subsequently, the case against him was split up and included in the L.P. Register as L.P.No. 158/2008.

3. The petitioner points out that the issue between the defacto complainant and the victim and other accused persons have been settled. It is now pointed out that the petitioner has chosen to implead the defacto complainant and the victim as respondents 2 and 3. They have entered appearance through a counsel and the learned counsel appearing for the respondents accepts that Annexures C and CrI.M.C. No. 5026 of 2013 -2- D affidavits produced along with this petition are sworn to by the respective parties and they stand by the statement therein.

4. On going through the affidavits so filed, it is seen that the parties have settled the matter between themselves and the defacto complainant and the victim have no further grievance in the matter. The parties do not wish to prosecute the matter further and they want to give a quietus to the issue. In the light of the stand taken by the parties that they expressed their disinclination to proceed with the matter, continuance of proceeding will be only an exercise in futility. In the result, this petition is allowed. All further proceedings in L.P. No. 158/2008 which arose out of C.C. No. 890/2005 shall stand quashed and the petitioner shall stand discharged.  
P.BHAVADASAN JUDGE ds

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