

Hajira Vs. Asokan

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Court : Kerala

Decided On : Nov-29-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Hajira

Respondent : Asokan

Judgement :

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. 5520 of 2013 ()
----- CRIME NO. 275/2010 OF NADAPURAM POLICE STATION, KOZHIKODE ----- PETITIONERS/COMPLAINANT :
----- 1. HAJIRA, W/O. HAMEED, AGED 35 YEARS NAMBEESAN VEETIL, NADAPURAM AMSOM-PERODE, VATAKARA TALUK.

2. SHARMINA SHERIN, D/O. HAMEED, AGED 16 YEARS, NAMBEESAN VEETIL, NADAPURAM AMSOM-PERODE VATAKARA TALUK MINOR, REPRESENTED BY MOTHER I PETITIONER. BY ADV. SRI.ZUBAIR PULIKOOL
RESPONDENTS/ACCUSED/COMPLAINANT :
----- 1. ASOKAN, S/O. KANNAN, AGED 44 YEARS PANAYULLATHIL HOUSE, PERODE P.O. VATAKARA TALUK, KOZHIKODE DIST., PIN - 673 101 2. STATE OF KERALA REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM, PIN - 682 031. R1 BY

ADV. SMT.P.A.ANEESHA R2 BY PUBLIC PROSECUTOR SMT. P.MAYA THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29/11-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Mn ...2/- CrI.MC.No. 5520 of 2013 () ----- APPENDIX PETITIONER(S)' ANNEXURES : ----- ANNEXURE1 TRUE COPY OF REPORT-INCLUDING THE FI STATEMENT, SCENE MAHAZAR, 161 STATEMENT OF WITNESSES, MEMORANDUM OF EVIDENCE AND THE POLICE CHARGE. ANNEXURE2 TRUE COPY OF THE AFFIDAVIT SWORN BY THE1T PETITIONER. RESPONDENT(S)' EXHIBITS : NIL ----- //TRUE COPY// P.A. TO JUDGE Mn P.BHAVADASAN, J.

----- CrI.M.C. No. 5520 of 2013 -----
----- Dated this the 29th day of November, 2013

ORDER

This is a petition filed under Section 482 of Cr.P.C. seeking to have all further proceedings in S.C. No. 769 of 2010 pending before the District and Sessions Court, Kozhikode quashed.

2. Petitioners are accused of having committed the offence punishable under Section 511 of 376.

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 who are the victim and her mother have approached this Court seeking to put an end to the proceedings on the ground that they do not wish to continue with the proceedings and the matter has been settled amicably.

5. The learned Public Prosecutor was directed to get instructions regarding the settlement arrived at between the CrI.M.C. No. 5520 of 2013 -2- parties. Today when the matter is taken up for hearing, the learned Public Prosecutor submitted that the parties have settled the matter between them and the defacto complainant and the victim have no further grievance in the matter.

6. Though the offence is of a serious nature and is not compoundable, in the light of the stand taken by the victim and her mother that they do not wish to continue with the proceedings, 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 S.C. No. 769 of 2010 pending before the District and Sessions Court, Kozhikode shall stand quashed including the final report based on which cognizance was taken by the court concerned and the petitioners shall stand discharged.
P.BHAVADASAN JUDGE ds

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