

Mohammad Anas Vs. State of Kerala

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Court : Kerala

Decided On : Dec-18-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Mohammad Anas

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN WEDNESDAY, THE 18TH DAY OF DECEMBER 2013 27TH AGRAHAYANA, 1935 CrI.MC.No. 6317 of 2013 () ----- CC10782011 of JUDICIAL FIRST CLASS MAGISTRATE-II, KOTTARAKKARA ----- PETITIONERS/ACCUSED-A2: ----- MOHAMMAD ANAS, AGED 28 YEARS, S/O. MOHAMMED THAHA, ANAS MANZIL, PALLIMUKKU KURINCHILAKKADU MURI, KALLARA VILLAGE, NEDUMANGADU TALUK, THIRUVANANTHAPURAM DISTRICT. BY ADV. SRI.P.V.DILEEP RESPONDENTS/STATE AND COMPLAINANT: ----- 1. STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE, CHADAYAMANGALAM POLICE STATION, KOLLAM DISTRICT.

3. ABDUL RAFEEK, AGED 52 YEARS, S/O. ABDUL MAJEED, THASNI MANZIL, MULLIKKADU, CHIRAVUR MURI, CHITHARA VILLAGE, KOTTARAKARA VILLAGE KOLLAM DISTRICT.

4. SHEMEERA BEEVI, AGED 39 YEARS, W/O. ABDUL RAFEEK, THASNI MANZIL, MULLIKKADU, CHIRAVUR MURI, CHITHARA VILLAGE, KOTTARAKARA VILLAGE KOLLAM DISTRICT. R1 & R2 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN R3 & R4 BY ADV. SRI.K.V.ANIL KUMAR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18-12-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: BP CrI.MC.No. 6317 of 2013 () ----- APPENDIX PETITIONER(S)' EXHIBITS ----- ANNEXURE A1- A TRUE COPY OF THE FINAL REPORT IN CRIME NO. 376/2007 OF KADAKKAL POLICE STATION. ANNEXURE A2- AFFIDAVIT OF THE 3D RESPONDENT. ANNEXURE A3- AFFIDAVIT OF THE 4H RESPONDENT. RESPONDENT(S)' EXHIBITS : NIL. ----- //TRUE COPY// P.A. TO JUDGE BP P.BHAVADASAN, J.

----- CrI.M.C. No.6317 of 2013 -----
----- Dated this the 18th day of December, 2013 -----

ORDER

The petitioner stands accused of having committed the offences punishable under Sections 457, 461, 380 read with Section 34 of IPC. On the basis of final report laid, cognizance was taken by the Judicial First Class Magistrate's Court-II, Kottarakkara as C.C.No. 1078 of 2011. The petitioner is the second accused in the said case. The petitioner seeks to have all further proceedings in C.C. No. 1078/2011 quashed.

2. The petitioner has chosen to implead the defacto complaint and her husband as respondents 3 and 4 who have entered appearance through a counsel and the learned counsel appearing for the respondents has accepted that the Annexures A2 and A3 affidavits produced along with this petition are sworn to by the respective respondents and they stand by the statements contained therein. CrI.M.C. No.6317/2013 -2- 3. On going through affidavits, it is seen that the parties

have settled all their differences and issues between them and they do not wish to prosecute the matter further. It is also pointed out that they do not wish to continue the proceedings as against the petitioner.

4. In the light of the above submission, it is felt that continuance of the proceedings will only be an exercise in futility. Hence, this petition is allowed. All further proceedings in C.C.No. 1078 of 2011 pending before the Judicial First Class Magistrate's Court-II, Kottarakkara shall stand quashed and the petitioner shall stand discharged. P.BHAVADASAN JUDGE ds

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