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Shareef vs State of Kerala

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Court : Kerala Orders

Decided On : Apr-12-2024

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : Crl.MC/2987/2024

Appellant : Shareef

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN FRIDAY, THE 12TH DAY OF APRIL 2024 / 23RD CHAITHRA, 1946 CRL.MC NO. 2987 OF 2024 CRIME NO.160/2021 OF VANITHA POLICE STATION, KASARGODE IN CC NO.313 OF 2022 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, HOSDRUG PETITIONER/ACCUSED: SHAREEF AGED 47 YEARS S/O. PULUNTHOTTI MOIDU, RESIDING AT KALANAD JUMA MASJID CROSS ROAD, KALANAD, KASARAGOD DISTRICT, PIN - 671317 BY ADVS. T.MADHU C.R.SARADAMANI RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 2 THE STATION HOUSE OFFICER

KASARAGOD VANITHA POLICE STATION, KASARAGOD DISTRICT, PIN - 671317 3 SHANA SUHAIL AGED 30 YEARS D/O. ABDUL MAJEED, RESIDING AT SUNEERA MANZIL, EYYALA, BANDICHAL, THEKKIL P.O., KASARAGOD DISTRICT, PIN - 671541 BY ADV THOMAS JOHN P. PP - M P PRASANTH THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12.04.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 12th day of April, 2024 This Criminal Miscellaneous Case has been filed by the petitioner under Section 482 of the Code of Criminal Procedure, to quash all further proceedings pursuant to Magistrate Court-II, Hosdurg.

2. Heard the learned counsel for the petitioner, the learned counsel appearing for the defacto complainant and the learned Public Prosecutor.

3. In this matter, prosecution alleges commission of offences punishable under Sections 354, 354A(1)(i) and 354D of the IPC.

4. It is submitted that the matter has been amicably settled and the defacto complainant filed affidavit in this regard.

5. The learned Public Prosecutor conceded the settlement and recording of statement, in this regard.

6. Since the matter has been amicably settled

between the parties, there is no reason to disallow the prayer for quashment. Therefore, in the interest of justice, I am inclined to allow this petition. In the result, this Criminal Miscellaneous Case stands allowed and all further proceedings pursuant to Magistrate Court-II, Hosdurg, stand quashed. Sd/- A. BADHARUDEEN JUDGE SK APPENDIX OF CRL.MC 2987/2024

PETITIONER ANNEXURES : Annexure-A1 THE CERTIFIED COPY OF THE FIR DATED Annexure-A2 THE CERTIFIED COPY OF THE FINAL REPORT DATED

27/1/2022 IN CRIME NO.160/2021 OF Annexure-A3 THE AFFIDAVIT DATED 13/2/2024 SWORN IN BY THE THIRD RESPONDENT RESPONDENTS ANNEXURES : NIL

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