

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

FRIDAY, THE 28TH AUGUST 2009 / 6TH BHADRA 1931

Crl.MC.No. 2869 of 2009

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(CRIME NO.254/2000 OF NADAKKAVU POLICE STATION, KOZHIKODE)

PETITIONER(S)/ACCUSED:

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RAHEEM, AGED 48 YEARS,  
S/O.ALIKOYA, AZHUTHACHAN KANDIPARAMBA  
NEAR MUNEERA MANZIL, VENGARI P.O.,  
KOZHIKODE.

BY ADV. SRI.NIRMAL.S.

RESPONDENT(S)/DEFACTO COMPLAINANT & STATE:

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1. C.MOHAMMAD, SHAHARBAN MANZIL,  
NADAKKAVU P.O., KOZHIKODE-2.
  2. STATE OF KERALA, REPRESENTED BY  
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

ADV. SRI.K.BIJESH FOR R1  
PUBLIC PROSECUTOR SRI.AMJAD ALI FOR R2.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 28/08/2009, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

**M.SASIDHARAN NAMBIAR,J.**

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CRL.M.C.NO. 2869 OF 2009  
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Dated 28<sup>th</sup> August 2009

**O R D E R**

Petitioner is the accused and first respondent the defacto complainant in C.C.897/2000 for the offence under Sections 294(b) and 506(ii) of Indian Penal Code. Case was transferred to the register of long pending cases and is now pending as L.P.No.62/2004. This petition is filed under Section 482 of Code of Criminal Procedure to quash the proceedings contending that there was a complete settlement of all the disputes with the first respondent defacto complainant. A joint statement is also filed with first respondent stating that the disputes were settled, seeking permission to compound the offence. Offences are not compoundable and hence permission cannot be granted.

2. Learned counsel appearing for petitioner and learned Public Prosecutor were heard. Joint statement filed by the petitioner and first respondent establish that there was a composition.

3. In such circumstances, as held by the Apex court in Madan Mohan Abbot v. State of Punjab (2008 (3) KLT 19 (SC)) it is not in the interest of justice to proceed with the case and waste the valuable time of the court.

Petition is allowed. C.C.897/2000 now pending as L.P.62/2004 on the file of Judicial First Class Magistrate-IV, Kozhikode is quashed.

M.SASIDHARAN NAMBIAR,  
JUDGE.

uj.