

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 30TH DAY OF DECEMBER 2014/9TH POUSHA, 1936

Cr1.MC.No. 1195 of 2014 ()

CRIME NO. 810/2011 OF FORT POLICE STATION,
THIRUVANANDAPURAM

PETITIONER(S)/DEFACTO COMPLAINANTS:

1. MUHAMMED JASEEL, AGED 20 YEARS,
S/O.ABDUL NAZAR, RESIDING AT SAICO HOUSE,
T C 48/563(67, KALLATTUMUKKU, MANACAUD P. O.,
THIRUVANANTHAPURAM-695009
2. ABDUL NAZEER, AGED 52 YEARS,
S/O.ABDUL MAJEED, RESIDING AT SAICO HOUSE,
T C 48/563(67)KALLATTUMUKKU, MANACAUD P. O.,
THIRUVANANTHAPURAM-695009,

BY ADVS.SRI.ENOCH DAVID SIMON JOEL
SRI.V.S.VISWAMBHARAN

RESPONDENT(S)/STATE:

THE STATE OF KERALA,
REP BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, THROUGH THE S. I. OF POLICE.
FORT POLICE STATION, THIRUVANANTHAPURAM- 682 031.

ADDL. R2 TO R6 IMPEADED.

2. NAHAS, S/O. NAZE GARA,
KAIRALI ROAD, VALLAKADAVU P.O.,
THIRUVANANTHAPURAM.
3. MONI,
OPP.GOV'T. HOMEIO COLLEGE,
CHIRAM MUKKU, MANACAUD P.O.,
THIRUVANANDAPURAM.

4. GANESH, GANESA PURAM,
KOTTAR, NAGERCOIL,
TAMIL NADU.
5. DANI, GANESA PURAM,
KOTTAR, NAGERCOIL,
TAMIL NADU.
6. BIJU,
KATTAKADA,
KATTAKSADA P.O.,
THIRUVANANDAPURAM.

ADDL. R2 TO R6 IMPEADED AS PER ORDER DATED.
11.12.2014 IN CRL.M.A. 11329/2014 IN CRL.M.C.
NO.1195/2014.

R1 BY PUBLIC PROSECUTOR SRI. R. GITHESH.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 30-12-2014, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Cr1.MC.No. 1195 of 2014 ()

APPENDIX

PETITIONER(S) ' EXHIBITS

ANNEX.A:-THE CERTIFIED COPY OF THE FIR IN CRIME NO 810 OF
2011 REGISTERED BY FORT POLICE STATION,
THIRUVANANTHAPURAM PENDING BEFORE THE JFCM COURT, II,
THIRUVANANTHAPURAM

ANNEX B:-TRUE COPY OF THE OFFICIAL MEMORANDUM TO RELEASE
THE VEHICLE TO THE FIRST PETITIONER DTD 5/8/2011

ANNEX C:-TRUE COPY OF THE OFFICIAL MEMORANDUM TO RELEASE
THE VEHICLE TO THE 2ND PETITIONER DTD 5/8/2011

RESPONDENT(S) ' EXHIBITS

P.BHAVADASAN, J.

Crl.M.C. No. 1195 of 2014

Dated this the 30th day of December, 2014.

ORDER

The defacto complainant has approached this Court praying to quash the proceedings in Crime No. 810 of 2011 of Fort Police Station, Thiruvananthapuram which has registered for offences punishable under Sections 406, 408, 420 read with Section 34 of Indian Penal Code.

2. The matter relates to the vehicle owned by the first petitioner. According to the petitioners, the accused persons were the employees of the first petitioner and they wanted to make use of the vehicle. The first petitioner gave the vehicle to them. But they did not return the vehicles and that resulted in filing of the complaint and consequent registration of the crime.

3. The petitioners now say that they have settled the matter with the accused persons and the first petitioner got the vehicle back and he does not wish to proceed against

the accused persons. According to the petitioners, they have no grievance against the accused persons. They therefore seek to have the proceedings quashed.

In the light of the fact that the defacto complainant has approached this Court by pointing out that he has no grievance in the matter, there is no reason as to why this petition filed under Section 482 of the Code of Criminal Procedure should not be allowed and thus put an end to the proceedings, for, by continuing the proceedings, no purpose will be served.

In the result, this petition is allowed and all further proceedings in furtherance of registration of Crime No. 810 of 2011 before Fort Police Station, Thiruvananthapuram shall stand quashed.

P.BHAVADASAN
JUDGE

sb.