

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

Cr1.MC.No. 20 of 2015

IN CC 196/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
(TEMPORARY) CHAVARA

CRIME NO. 1177/2013 OF THEKKUMBHAGOM POLICE STATION , KOLLAM

PETITIONER:

VELAYUDAN PILLAI, AGED 25 YEARS,
S/O.JANARDHANAN PILLAI, MUTTAHU KALIYIRAKKAM,
VADAKKUM BHAGOM, CHAVARA SOUTH,
KOLLAM DISTRICT - 691584.

BY ADVS.SRI.JAI GEORGE
SMT.DAISY A.PHILIPOSE

RESPONDENT:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY SR. PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
09-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 20 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.1177/203 DATED 14/11/2013 OF THEKKUMBHAGAM POLICE STATION

ANNEXURE A2: COPY OF THE FINAL REPORT IN CRIME NO.1177/2013 SUBMITTED BEFORE THE JFCM, SASTHAMKOTTA

ANNEXURE A3: COPY OF THE SUMMONS IN C.C. NO.196/14 ISSUED BY THE JUDICIAL FIRST CLASS MAGISTRATE COURT, (TEMPORARY) CHAVARA.

ANNEXURE A4: COPY OF THE ADVICE FOR APPOINTMENT NO.E11 (2)3793/11 DATED 24/10/2014 ISSUED FROM THE PUBLIC SERVICE COMMISSION, DISTRICT OFFICE ERNAKULAM.

ANNEXURE A5: COPY OF THE DEATH CERTIFICATE DATED 23.6.2014 OF THE DEFACTO COMPLAINANT.

ANNEXURE A6: COPY OF THE AFFIDAVIT DATED 7.1.2015 OF THE LEGAL HEIR OF THE DEFACTO COMPLAINANT.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.20 of 2015

Dated this the 9th day of January, 2015

O R D E R

The petitioner herein is the sole accused in C.C No.116/2014 of the Judicial First Class Magistrate Court, (Temporary) Chavara, Kollam (Crime No.1177/2013 of the Thekkumbhagam Police Station),. The defacto complainant in the said case is one Yohannan. The prosecution case is that the said Yohannan was assaulted and abused by the petitioner herein. The defacto complainant Yohannan is no more. The petitioner now seeks orders quashing the prosecution on the ground that he and the wife of deceased Yohannan have amicably settled the whole dispute out of court. It is submitted that the petitioner has good prospects for a government job, and for this purpose the prosecution will have to be cleared. He is definite that he and the wife of the deceased defacto complainant have amicably settled the whole dispute. The petitioner has produced copy of the death certificate relating to the defacto complainant Yohannan, and an affidavit by the wife of the deceased. This affidavit shows that the legal heirs of deceased

Yohannan have no complaint or grievance now. The affidavit filed by the petitioner is accepted. When the whole dispute stands settled amicably, the prosecution can be quashed. Orders under Section 482 of the Code of Criminal Procedure are required because the crime involves a non-compoundable offence.

In the result, this Criminal Miscellaneous Case is allowed. The prosecution against the petitioner herein in C.C No.116/2014 before the Judicial First Class Magistrate Court, (temporary), Chavara, Kollam (Crime No.1177/2013 of the Thekkumbhagam Police Station), will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**

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Lower court case number 'C.C No.116/2014' wherever it occurs in the final order is corrected and substituted as 'C.C No.196/2014', vide order dated 6.8.2015 in Crl.M.A No.7697/2015 in Crl.M.C No.20/2015.

Sd/-
REGISTRAR (JUDICIAL)