

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

Cr1.MC.No. 66 of 2015 ()

(AGAINST THE ORDER/JUDGMENT IN CC 2202/2013 of J.M.F.C.-
III, NEYYATTINKARA DATED CRIME NO. 586/2013 OF KANJIRAMKULAM POLICE
STATION , THIRUVANANDAPURAM)

PETITIONER(S)/ACCUSED 1 - 6:

1. KRISHNAJIT, AGED 22 YEARS
S/O. RAJENDRA KUMAR, KRISHNA SARAS,
MALLANVILA KARUMKULAM VILLAGE, KARUMKULAM DESOM
NEYYATINKARA, THIRUVANNATHAPURAM.
2. ADARSHKRISHNA,
S/O. GOPALAKRISHNAN, ADARSH BHAVAN, KARICHAL DESOM,
KANJIRAMKULAM VILLAGE, NEYYATINKARA
THIRUVANANTHAPURAM.
3. RAJIT KUMAR,
S/O. BABY, B.T COTTAGE, NEDIAYAKALA
ARUMANOOR DESOM, THIRUPURAM VILLAGE, NEYYATINKARA
THIRUVANANTHAPURAM.
4. VINEET,
S/O. SASI, PURTHEN VEEDU, PILAVILA PUTHUVIL
MARAMUTTOM DESOM, PERUNKADA VILLAGE, NEYYATINKARA
THIRUVANANTHAPURAM.
5. ASHIK,
S/O. MANOHARAN, VEENA COTTAGE
PARAPPANKULAM CHEKKADIYIL, ARUMANOOR DESOM
THIRUPURAM VILLAGE, NEYYATINKARA, THIRUVANANTHAPURAM.
6. JINEESH KUMAR,
S/O. JAYACHANDRAN, RATHEESH BHAVAN, PANANINNA
KANJIRAMKULAM DESOM, KANJIRAMKULAM VILLAGE
NEYYATINKARA, THIRUVANANTHAPURAM.

BY ADVS.SRI.SASTHAMANGALAM S. AJITHKUMAR
SRI.V.S.THOSHIN

RESPONDENT(S)/DEFACTO COMPLAINANT:

1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
THROUGH SUB INSPECTOR OF POLICE
KANJIRAMKULAM POLICE STATION, NEYYATINKARA
THIRUVANANTHAPURAM.

2. ABHIJIT,AGED 22,
S/O. SUDHEERACHANDRAN NAIR
RESIDING AT REVATHY HOUSE, PALLOTTUVILA
VELIYAMKODE DESOM, MARANALLUR VILLAGE, NEYYATINKARA
THIRUVANANTHAPURAM.

R2 BY ADV. SRI.T.K.BABU
R BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
07-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.M.C. NO.66/2015

APPENDIX

PETITIONERS EXHIBITS:

ANNEXURE - A: COPY OF THE FINAL REPORT IN C.C. NO.2202/13 ON THE
FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT, III, NEYYATTINKARA,
THIRUVANANTHAPURAM.

ANNEXURE B: COPY OF THE NOTARIZED AFFIDVIT OF THE 2ND RESPONDENT.

RESPONDENTS EXHIBITS: NIL

/TRUE COPY/

P.S. TO JUDGE.

P.UBAID, J.

Crl.M.C.No. 66 OF 2015

Dated this the 7th day of January, 2015

O R D E R

The petitioners herein are the accused Nos.1 to 6 in C.C. No.2202/2013 of the Judicial First Class Magistrate Court-III, Neyyattinkara. The crime was registered under Sections 143,147,149,341,323 and 427 IPC read with Section 114 IPC on the complaint of one Abhijith. The petitioners now seek orders quashing the prosecution on the ground that the petitioners and the de facto complainant have come to terms out of Court. The de facto complainant is the 2nd respondent in this proceeding. He has filed affidavit in court to the effect that he has settled the dispute with the petitioners and he has no grievance or complaint. I am well satisfied that the parties have really settled the whole dispute, and they are now on cordial terms. Composition as such is not possible in the court below when the crime involves non compoundable offences.

In the result, the Crl.M.C.is allowed. The prosecution

against the petitioners in C.C. No.2202/2013 of the Judicial First Class Magistrate Court-III, Neyyattinkara, will stand quashed under Section 482 of the CrI.P.C. Accordingly, the petitioners will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

**Sd/-
P.UBAID, Judge.**

dpk

/true copy/ PS to Judge.