

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

CrI.MC.No.71 of 2015

CRIME NO.670/2013 OF ATTINGAL POLICE STATION,THIRUVANANDAPURAM

PETITIONERS/ACCUSED 1 AND 2:

1. **SANTHOSH @ KANNAN, S/O.GOPALA PILLAI,
AGED 29 YEARS,VELLAPPALLI VEETIL,
VELLALLOOR VILLAGE,THIRUVANANTHAPURAM DISTRICT.**
2. **DILEEP @ PODIYAN,S/O.GOPALA PILLAI,
AGED 27 YEARS,VELLAPPALLI VEETIL,
VELLALLOOR VILLAGE,2THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SRI.BRIJESH MOHAN
SMT.RESMI G. NAIR**

RESPONDENTS/STATE AND DE-FACTO COMPLAINANT:

1. **STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM-682031.**
2. **NAUSHAD,S/O.ABDUL KHADER,AGED 31 YEARS,
RESIDING AT THUNDUVILA VEEDU,
KESAVAPURAM,VELLALLOOR VILLAGE,
CHIRAYINKEEZHU TALUK,
THIRUVANANTHAPURAM DISTRICT-695304.**

**R1 BY PUBLIC PROSECUTOR SMT.P.MAYA
R2 BY ADV.SRI.SHAJIN S.HAMEED**

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

CrI.MC No.71/2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE A: COPY OF THE FIRST INFORMATION REPORT IN CRIME
NO.670/2013 OF ATTINGAL POLICE STATION.**

**ANNEXURE B: COPY OF THE REPORT FILED BY THE INVESTIGATING OFFICER
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I.**

ANNEXURE C: COPY OF THE AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

P. UBAID, J.

Crl.M.C. No. 71 of 2015

Dated this the 7th day of January, 2015

O R D E R

The petitioners herein are the two named accused in Crime No.670/2013 of the Attingal Police Station registered under Sections 307 and 326 IPC, and under Section 27 of the Arms Act. Now, the offence under Section 27 of the Arms Act stands deleted, and the investigation proceeds under Sections 307 and 326 IPC. The first informant, on whose complaint the police registered the crime, is one Noushad. The petitioners seek orders quashing the criminal proceeding against them, on the ground that they and Noushad have come to terms amicably out of court. The defacto complainant, Noushad is the 2nd respondent in this proceeding. He has filed affidavit to the effect that he has settled the dispute with the accused, and that he has no grievance or complaint. On a perusal of the First Information Statement, I find that there is nothing to attract Section 307 IPC in this case. Of course, the petitioner had sustained some grievous hurt, and the FIR was rightly registered under Section 326 IPC. Any way, the parties have come to terms, and I find

that there is a real and genuine settlement between the parties. Continuance of further proceeding in the crime will cause harm and hardship to both the parties in such a situation. It will also not serve any purpose, because the defacto complainant and others will not support the prosecution, if the case goes to trial.

In the result, this Crl.M.C. is allowed. The FIR and further proceedings in Crime No.670/2013 of the Attingal Police Station, will stand quashed under Section 482 Cr.P.C.

Sd/-

P. UBAID, JUDGE

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