

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

Crl.MC.No. 77 of 2015

**CC 1588/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - I, PATHANAMTHITTA.
CRIME NO. 1105/2012 OF PATHANAMTHITTA POLICE STATION, PATHANAMTITTA.**
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PETITIONER/ACCUSED:

**AJI, S/O.DAMODARAN, AGED 32 YEARS,
CHERIYAMBATTU KIZHAKKE CHARUVIL VEEDU,
POTHIPPADU, MALAYALAPPUZHA VILLAGE,
PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.M.T.SURESHKUMAR

RESPONDENT(S)/DEFACTO COMPLAINANT AND STATE:

- 1. SANTHOSHAVALLY, AGED 39 YEARS,
W/O.SATHYAN, CHERIYAMBATTU HOUSE,
PODIPPADU, MALAYALAPPUZHA VILLAGE,
PATHANAMTHITTA DISTRICT-689645.**
- 2. SANDHYA, AGED 22 YEARS,
D/O.SATHYAN, CHERIYAMBATTU HOUSE,
PODIPPADU, MALAYALAPPUZHA VILLAGE.
PATHANAMTHITTA DISTRICT-689645.**
- 3. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI-31.**

**R1 & R2 BY ADV. SMT.T.J.SEEMA
R3 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 26-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER'S ANNEXURES:

- ANNEXURE A1 :** TRUE OCPY OF THE FIS AND FIR IN CRIME NO.1105 OF 2012 OF PATHANAMTHITTA POLICE STATION DATED 21.9.2012.
- ANNEXURE A2 :** TRUE COPY OF THE COMPLAINT DTED 5.9.2012 FILED BY THE 1ST RESPONDENT BEFORE THE JFCM 1, PATHANAMTHITTA.
- ANNEXURE A3 :** TRUE COPY OF THE FINAL REPORT DATED 29.10.2012 IN CRIME NO.1105 OF 2012 OF PATHANAMTHITTA POLICE STATION.

RESPONDENT'S ANNEXURES: - NIL

/TRUE COPY/

P.S. TO JUDGE

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B.KEMAL PASHA, J.

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Crl.M.C. No. 77 of 2015

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Dated this the 26th day of February, 2015

O R D E R

Petitioner is the accused in C.C.No.1588/2012 of the Judicial First Class Magistrate's Court-I, Pathanamthitta, for the offences punishable under Sections 294(b), 447 and 323 IPC.

2. The prosecution case is that on 13.08.2012 at 8 p.m., the petitioner committed trespass into the courtyard of the house of the de facto complainant, abused her and assaulted her, and her daughter. According to the petitioner, the first respondent, who is the de facto complainant, is his sister and the second respondent is the daughter of the first respondent, thereby the second respondent is his niece. Further, according to the petitioner, the matter has been amicably settled between him and the respondents 1 and 2 and presently, respondents 1 and 2 have no complaints against him. He has come up for getting Annexure-A3 Final Report in Crime No.1105/2012 of the Pathanamthitta Police Station, and all further

proceedings based on it in C.C.No.1588/2012 of the Judicial First Class Magistrate's Court-I, Pathanamthitta, quashed.

3. Respondents 1 and 2 have entered appearance and filed separate affidavits affirming that the matter has been amicably settled between them and the petitioner and therefore, they have no complaints against the petitioner. They have also prayed for permission to compound the offences.

4. The parties are close relatives. When the matter has been amicably settled between the parties, this Court is of the view that it is just and expedient in the interest of justice to quash Annexure-A3 Final Report in Crime No.1105/2012 of the Pathanamthitta Police Station and all further proceedings based on it in C.C.No.1588/2012 of the Judicial First Class Magistrate's Court-I, Pathanamthitta.

In the result, this Crl.M.C. is allowed and Annexure-A3 Final Report in Crime No.1105/2012 of the Pathanamthitta Police

Station and all further proceedings based on it in C.C.No.1588/2012 of the Judicial First Class Magistrate's Court-I, Pathanamthitta, are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

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