

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

Crl.MC.No. 98 of 2015 ()

**IN CP 106/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I,ATTINGAL
CRIME NO. 1029/2014 OF ATTINGAL POLICE STATION , THIRUVANANTHAPURAM**

PETITIONER(S)/ACCUSED:

**ARUN AGED 20 YEARS
S/O. MURALEEDHARAN, CHILANKA VEEDU, ATHRITHIMUKKU JUN.
AYILAM, MUDAKKAL VILLAGE, THIRUVANANTHAPURAM.**

BY ADV. SRI.JOSEPH SEBASTIAN (KOLLAM)

RESPONDENT(S)/DEFACTO COMPLAINANT INJURED & COMPLAINANT:

**1. SUBASH, AGED 30 YEARS
S/O. SUDEEVAN, SIVANANDANAM, NEAR SIVAKSHETHRAM
KATTUCHANTHA, KOTAYATHUKONAM
AYILAM-695103. MUDAKKAL VILLAGE, THIRUVANANTHAPURAM.**

**2. STATE OF KERALA,
REPRESENTED BY SUB INSPECTORT OF POLICE
ATTINGAL POLICE STATION, THIRUVANANTHAPURAM
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**

**R1 BY ADV. SRI.LIJU. M.P
R2 BY PUBLIC PROSECUTOR SMT. S. HYMA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 08-01-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 98 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANX.A. TRUE COPY OF THE FINAL REPORT/CHARGE IN CRIME NO. 1029/2014 OF
ATTINGAL POLICE STATION.**

ANX.B. ORIGINAL AFFIDAVIT DATED 6-1-2015 EXCECUTED BY THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 98 of 2015

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Crl. M.C No. 99 of 2015

Dated this the 8th day of January, 2015.

O R D E R

Two prosecutions registered as case and counter, in the Attingal Police Station, in connection with a dispute involving two sets of persons are sought to be quashed under Section 482 Cr.P.C on the ground of amicable settlement between the parties. Crime No.1029/2014 was registered under Sections 341, 294(b), 323, 324 and 308 r/w 34 of IPC on the complaint of one Subhash. The petitioner in Crl.M.C 98/2015 is the accused in the said case, and the injured Subash is the first respondent in the Crl.M.C. Crime No.1030/2014 was registered under Sections 294(b), 323, 324 and 308 r/w 34 IPC on the complaint of one Arun who sustained injuries on the other side in the incident. One Amal also sustained some injuries on that side. The said Arun and Amal are the respondents 1 and 2 in Crl.M.C 99/2015 where the petitioners therein are the accused in crime No.1030/14. Now the parties have come to terms amicably out of court. The injured persons have filed affidavit to

the effect that the whole dispute stands settled, and they have no grievance or complaint. On a perusal of the proceedings I find that in both the crimes, Section 308 IPC was incorporated baselessly, or simply on the basis of some hypothetical statement. Both the crimes involve only incident of simple instance of assault. Anyway, there is an amicable settlement, and now the parties are on quite cordial terms. Continuance of the further proceedings in the two crimes will definitely cause harm and hardship to both the parties, and in the situation of amicable settlement, such continuance will not serve any purpose also.

In the result, both the petitions are allowed. The FIR and further proceedings in crime Nos. 1029/2014 and 1030/2014 of the Attingal Police station will sand quashed under Section 482 Cr.P.C.

P.UBAID,
JUDGE