

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. 115 of 2015

IN CC 642/2012 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT -II,
NEDUMANGAD

CRIME NO. 277/2012 OF PANGODE POLICE STATION THIRUVANANDAPURAM

PETITIONERS/ACCUSED:

1. MANILAL @ PODIYAN, AGED 42 YEARS,
S/O. KRISHNANKUTTY, THALAVARAMBU KUNNIL VEETIL,
CHIRAVOORMURI, MANKOD VILLAGE, NEDUMANGAD
THIRUVANANTHAPURAM-695541.
2. AJAYAKUMAR @ LAVAN, AGED 42 YEARS,
S/O. KUNJUKRISHNAN, AMBAJI VEEDU, POLACHIRA,
CHIRAKARA KUNNU, PANGODE VILLAGE, NEDUMANGAD,
THIRUVANANTHAPURAM-695541.
3. VINOD, AGED 24 YEARS,
S/O. SOBHANAN, VISHNU BHAVAN,
KANNAMPARA, PANGODE VILLAGE, NEDUMANGAD,
THIRUVANANTHAPURAM-695541.

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENTS/STATE AND COMPLAINANT AND VICTIMS:

1. STATE OF KERALA
REPRESENTED BY THE DIRECTOR OF PUBLIC PROSECUTIONS,
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. SUB INSPECTOR OF POLICE,
PANGODE POLICE STATION, THIRUVANANTHAPURAM-695609.
3. SUNIL KUMAR, AGED 32 YEARS,
S/O. HARIDAS, SNEHATHEERTHAM, 5TH MILE,
MANGODE VILLAGE, NEDUMANGAD, THIRUVANANTHAPURAM.
4. SUNIL KUMAR, AGED 33 YEARS,
S/O. RAVEENDRAN, VISAKHA BHAVAN, BHARATHANNUR,
PANGODE VILLAGE, NEDUMANGAD
THIRUVANANTHAPURAM-695541.
5. RAJESH, AGED 28 YEARS,
S/O. RAVEENDRAN, RATHEESH BHAVAN, KANNAMPARA,
EETTIMUKKU, BHARATHANNUR, PANGODE VILLAGE,
NEDUMANGAD, THIRUVANANTHAPURAM-695441.

6. SURESH, AGED 49 YEARS,
S/O. RAVEENDRAN, CHERUPARAMBIL HOUSE, EETTIMUKKU,
BHARATHANNUR, PANGODE VILLAGE, NEDUMANGAD,
THIRUVANANTHAPURAM-695541.

R3-6 BY ADV. SRI.R.ARUN

R1 & R2 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 09-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 115 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANX.A1. COPY OF THE FIR IN CRIME NO. 277 OF 2012 OF PANGODE
POLICE STATION.

ANX.A2. COPY OF FINAL REPORT IN ANNEXURE A1.

ANX.A3. COPY OF THE AFFIDAVIT OF THE 3RD RESPONDENT.

ANX.A4. COPY OF THE AFFIDAVIT OF THE 4TH RESPONDENT.

ANX.A5. COPY OF THE AFFIDAVIT OF THE 5TH RESPONDENT.

ANX.A6. COPY OF THE AFFIDAVIT OF THE 6TH RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.115 of 2015

Dated this the 9th day of January, 2015

O R D E R

The petitioners herein are the three accused in C.C. No.642/2012 of the Judicial First Class Magistrate Court II, Nedumangad. Crime in the said case was registered under Sections 143, 147, 149, 341, 323 and 324 r/w 149 of the Indian Penal Code, on the complaint of one Sunil Kumar that the petitioners assaulted him and his friends Sunil Kumar, Rajesh and Suresh, and inflicted injuries on their body with weapon as part of a criminal design. The petitioners now seek orders quashing the prosecution on the ground that they and the injured persons have amicably settled the dispute out of court. The first informant Sunil Kumar is the 3rd respondent herein and the other persons who sustained injuries in the incident are respondents 4 to 6. The respondents 3 to 6 have filed affidavit to the effect that they have settled the whole dispute with the accused, and they have no complaint or grievance now. I am well satisfied that there is a real and genuine settlement between the parties, and I find that continuance of prosecution

will not serve any purpose, other than wasting the precious time of the court. Composition as such is not possible, because non-compoundable offences are also involved.

In the result, this Criminal Miscellaneous Case is allowed. The prosecution against the petitioners herein in C.C No.642/2012 before the Judicial First Class Magistrate Court II, Nedumangad will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

**P.UBAID
JUDGE**

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