

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

Crl.MC.No. 214 of 2015 ()

CRIME NO. 721/2014 OF MUKKOM POLICE STATION , KOZHIKODE

PETITIONER(S)/ACCUSED:

**NITHISH,
KAPLERI HOUSE, MUKKOM, KOZHIKODE.**

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENT(S)/COMPLAINANT/STATE:

- 1. VINOD JOSEPH,, AGED 20 YEARS
S/O.JOSEPH, MACHUKUZHIL HOUSE, KODARANHI P.O.
KOZHIKODE-673 001.**
- 2. SUB INSPECTOR OF POLICE,
MUKKOM POLICE STATION-673 602.**
- 3. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM-682031.**

**R1 BY ADV. SRI.CIBI THOMAS
R2-3 BY PUBLIC PROSECUTOR SMT. S. HYMA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 14-01-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 214 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE I : TRUE COPY OF THE FIRST INFORMATION REPORT IN CR. NO.721/14.

ANNEXURE II : TRUE COPY OF THE AFFIDAVIT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 214 of 2015

Dated this the 14th day of January, 2015.

O R D E R

A crime registered under Sections 341, 323, 324, 294(b), 506 and 308 IPC against the petitioner herein on the complaint of one Vinod Joseph is sought to be quashed under Section 482 Cr.P.C, on the ground of amicable settlement made by the parties. The crime is now under investigation by the Mukkom police. The de facto complainant Vinod Joseph is the first respondent in this proceeding. He has filed affidavit to the effect that he has settled the dispute with the accused, and he has no complaint or grievance now. It is submitted that the petitioner and the first respondent are close friends, and complaint happened to be made on some misapprehension. The parties have now come to terms amicably on the intervention of persons acceptable to both sides, and the complainant is not now interested in prosecuting the matter. I am well satisfied that there is a real and genuine settlement between the parties, and that continuance of further proceeding will cause harm and hardship to both the parties. I also find that Section 308 IPC was in fact incorporated by the police in this case on the basis of some hypothetical statement. This is a simple instance of assault involving Section 324 IPC

at the most.

In the result, this petition is allowed. The FIR and further proceeding in crime No.721/2014 of the Mukkom Police Station will stand quashed under Section 482 Cr.P.C.

P.UBAID,
JUDGE

sab