

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

Crl.MC.No. 268 of 2015

CRIME NO. 487/2010 OF ARYANAD POLICE STATION , THIRUVANANDAPURAM

PETITIONER(S)/ACCUSED 1 TO 3:

1. VASANTHA, AGED 46 YEARS,
D/O NARAYANI, KUNNINPURATHU VEEDU, U.P. XI/299
KURAKKODU, PUTHUKULANGARA P.O., UZHAMALAKKAL
NEDUMANGAD, THIRUVANANTHAPURAM-695 541.
2. RAJU, AGED 52 YEARS,
KUNNINPURATHU VEEDU, U.P. XI/281, KARAKKODU
PUTHUKULANGARA P.O., UZHAMALAKKAL, NEDUMANGAD
THIRUVANANTHAPURAM-695541.
3. VIJAYAMMA , AGED 40 YEARS
D/O KAMALAM, KUNNNINPURATHU VEEDU, U.P. XI/281
KURAKKODU, PUTHUKULANGARA P.O., UZHAMALAKKAL
NEDUMANGAD, THIRUVANANTHAPURAM-695 541.

BY ADV. SRI.A.S.SHAMMY RAJ

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. SAUJATH BEEVI, AGED 40 YEARS
D/O. KULSAM BEEVI, KUNNUPURATH VEEDU, KURAKODE
PUTHUKULANGARA P.O., UZHAMALAKKAL, NEDUMANGAD
THIRUVANANTHAPURAM-695 541.

R1 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS
R2 BY ADV. SRI.GOVIND PADMANAABHAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 22-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Crl.MC.No. 268 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE 1: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO:
487/2010 OF ARYANAD POLICE STATION, THIRUVANANTHAPURAM
DISTRICT**

ANNEXURE2: TRUE COPY OF THE AWARD OF THE LOK ADALATH DATED 28.10.2014

ANNEXURE 3: COMPROMISE AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B. KEMAL PASHA, J.

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Crl.M.C. No.268 of 2015
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Dated this the 22nd day of January, 2015

ORDER

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The accused in C.C.1034/2013 of the Judicial First Class Magistrate's Court, Nedumangadu, which has arisen from Crime No.487/2010 of Aryanad Police Station, Thiruvananthapuram district for the offences punishable under Sections 341, 323, 324, 427 and 506(ii) read with Section 34 IPC, have come up under Section 482 Cr.P.C. to get Annexure-1 final report in the said crime and the consequent proceedings in C.C.1034/2013 of the court below, quashed.

2. The prosecution case is that on 10.04.2010 at 7 a.m., the petitioners committed mischief in the property of CW1 by destroying the plantains and some other cultivations in the property. When CW1 attempted to restrain them from the said acts, the petitioners beat her

and the 2nd petitioner intimidated her by showing a chopper. On account of the mischief caused, CW1 sustained a wrongful loss of Rs.600/-. According to the petitioners, the matter has been amicably settled between them and CW1 and presently, CW1 has no complaints against the petitioners. It is the case of the petitioners that there were other civil litigations also between the parties and all the said suits were settled in Lok Adalat held on 28.10.2014.

3. CW1 *defacto complainant*, who is the 2nd respondent herein, has filed an affidavit affirming that the matter has been amicably settled and presently, she has no complaints against the petitioners and, therefore, all further proceedings in the matter referred to above can be quashed. She has entered appearance through her counsel. The learned counsel for the defacto complainant also endorses the fact that the affidavit has been sworn in by the defacto complainant on her own volition.

4. When all the disputes have been settled between

the parties and as the defacto complainant has no complaints against the petitioners, it is only just and expedient in the interest of justice to quash the proceedings referred to above.

In the result, this Crl.M.C. is allowed and Annexure-1 final report in Crime No.487/2010 of Aryanad Police Station as against the petitioners and all further proceedings based on it in C.C.1034/2013 pending before the Judicial First Class Magistrate's Court, Nedumangadu are hereby quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/22/01

// True Copy //

PA to Judge