

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

Crl.MC.No. 340 of 2015

CRIME NO.555/2013 OF PERUMBAVOOR POLICE STATION , ERNAKULAM

PETITIONER(S)/ACCUSED :

1. NEELAKANDAN NAIR, AGED 55 YEARS,
S/O.SANKARAN NAIR, KARAVATTU HOUSE, ALLAPRA KARA,
VENGOLA VILLAGE, KUNNATHUNAD TALUK, ERNAKULAM DISTRICT.
2. VINOD N.S, AGED 32 YEARS,
S/O.NEELAKANDAN NAIR, KARAVATTU HOUSE, ALLAPRA KARA,
VENGOLA VILLAGE, KUNNATHUNAD TALUK, ERNAKULAM DISTRICT.
3. MANOJ KUMAR N.S, AGED 36 YEARS,
S/O.NEELAKANDAN NAIR, KARAVATTU HOUSE, ALLAPRA KARA,
VENGOLA VILLAGE, KUNNATHUNAD TALUK, ERNAKULAM DISTRICT.
4. BABY JOSEPH, AGED 50 YEARS,
KATTUNKAL HOUSE, KANIJRAKKATTU KARA,
PERUMBAVOOR VILLAGE, KUNNATHUNAD TALUK, ERNAKULAM DISTRICT.
5. SIDDHIQUE, AGED 37 YEARS,
S/O.ALIYAR, MUNDAPPALLY HOUSE,
PALLIPPUARAM MUDICKAL BHAGOM, PALLIPPURAM,
MARAMBALLY VILLAGE, KUNNATHUNAD TALUK, ERNAKULAM DISTRICT.
6. DEVASSY KUTTY, AGED 45 YEARS,
S/O.DEVASSY, ALACKAL HOUSE, OKKAL KARA,
CHELAMATTOM VILLAGE, KUNNATHUNAD TALUK, ERNAKULAM DISTRICT.
7. MANU, AGED 36 YEARS,
S/O.SURENDRAN, KUZHAYMPELIL HOUSE, OKKAL KARA,
CHELAMATTOM VILLAGE, KUNNATHUNAD TALUK, ERNAKULAM DISTRICT.
8. SUDHI K.R, AGED 40 YEARS,
S/O.RAJAN, KARAVATTU HOUSE, ALLAPRA KARA,
VENGOLA VILLAGE, KUNNATHUNAD TALUK, ERNAKULAM DISTRICT.

BY ADV. SRI.V.SETHUNATH

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RESPONDENT(S)/DE-FACTO COMPLAINANT/STATE :

1. PADMINI, AGED 50 YEARS,
W/O.KRISHNANKUTTY, KARAVATTU HOUSE, ALLAPRA KARA,
VENGOLA VILLAGE, KUNNATHUNAD TALUK,
ERNAKULAM DISTRICT, PIN- 683 554.
2. THE SUB INSPECTOR,
PERUMBAVOOR POLICE STATION, ERNAKULAM.
3. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.V.R.MANORANJAN (MUVATTUPUZHA)
R2 & R3 BY PUBLIC PROSECUTOR SRI.JIBU.P.THOMAS

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A1: CERTIFIED TRUE COPY OF THE FIR AND FIS IN
CRIME NO. 555/2013 OF PERUMBAVOOR POLICE STATION, ON
THE FILE OF THE J.F.M.C, PERUMBAVOOR.**

ANNEXURE A2: TRUE COPY OF THE AFFIDAVIT FILED BY 1ST RESPONDENTS.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B.KEMAL PASHA, J.

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CRL.M.C. No.340 of 2015

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Dated this the 29th day of January, 2015

ORDER

The accused in Crime No.555 of 2013 of the Perumbavoor Police Station, registered for the offences punishable under Sections 143, 147, 448 and 427 read with Section 149 IPC, have come up under Section 482 Cr.P.C., for getting all further proceedings in the said crime, quashed.

2. The allegation against the petitioners is that on 07.04.2013 at 2.00 a.m., they formed themselves into an unlawful assembly and committed trespass into the property of the defacto complainant and pulled down a portion having 600 Square Feet of a concrete building belongs to the defacto complainant, thereby causing wrongful loss to the

defacto complainant.

3. The defacto complainant is the 1st respondent herein. According to the petitioners, the matter has been amicably settled between them and the defacto complainant, and presently the defacto complainant has no complaints against them.

4. The 1st respondent has entered appearance and filed an affidavit stating that the matter has been amicably settled between the parties and therefore, she has no complaints against the petitioners in the matter. She has also prayed for the termination of the prosecution in the matter. Parties are relatives. Considering the fact that the matter has been amicably settled between the parties, I am satisfied that it is just and expedient in the interest of justice to quash Annexure-1 First Information Report in Crime No.555 of 2013 of the Perumbavoor Police Station and all further proceedings in the said crime.

In the result, this Crl.M.C. is allowed and Annexure-1

CRL.M.C.No.340 of 2015

-: 3 :-

First Information Report as against the petitioners in Crime No.555 of 2013 of the Perumbavoor Police Station and all further proceedings in the said crime are hereby quashed.

Sd/-
B. KEMAL PASHA
JUDGE

DSV/29/1/15

// True Copy //

P.A. To Judge