

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

Crl.MC.No. 345 of 2015 ()

CRIME NO. 1094/2014 OF PIRAVAM POLICE STATION , ERNAKULAM DISTRICT

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PETITIONERS/ACCUSED NOS. 1 - 2:

- 1. SHINTO, AGED 27 YEARS
S/O. VARKEY, KELIMATTOM HOUSE, KOTTATHARA P.O.
VAITHIRI VILLAGE, VAITHIRI TALUK, WYANADU DISTRICT.**
- 2. NITHIN PETER, AGED 27 YEARS
S/O.PETER, MUPRAPPILLIL HOUSE, KOSAVAN VAYAL P.O.
SREEKANDAPURAM VILLAGE, THALIPPARAMBA TALUK
KANNUR DISTRICT. (WRONGLY WRITTEN AS LITHIN PETER IN ANNEXURE-I)**

BY ADV. SRI.K.SUNILKUMAR

RESPONDENTS/DEFACTO COMPLAINANT & STATE:

- 1. SIJO ALIYAS, AGED 29 YEARS
S/O. ELIAS, PARAYAMTHADATHIL HOUSE, PIRAVOM P.O.
PIRAVOM VILLAGE, MUVATTUPUZHA TALUK
ERNAKULAM DISTRICT.**
- 2. VIVEK SARASAN, AGED 26 YEARS
S/O. SARASAN, MUNDOOREKKUZHY HOUSE, MULLORPADY BHAGAM
PAZHOOR KARA P.O., PIRAVOM VILLAGE, PIRAVOM TALUK
ERNAKULAM DISTRICT.**
- 3. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

**R1,R2 BY ADV. SRI.T.N.SIVADASAN
R3 BY PUBLIC PROSECUTOR SMT. P. MAYA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 20-01-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

**A1 - CERTIFIED COPY OF THE FIR DT. 25.10.14 IN CRIME NO. 1094/2014 OF
PIRAVOM POLICE STATION.**

A2 - AFFIDAVIT DT. 30.12.14 SWORN BY THE 1ST RESPONDENT.

A3 - AFFIDAVIT DT. 30.12.14 SWORN BY THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C. No.345 of 2015

Dated this the 20th day of January, 2015

O R D E R

The petitioners herein are the accused Nos. 1 and 2 in Crime No.1094/2014 of the Piravom Police Station, registered under Sections 324, 326 and 506(ii) IPC. The 3rd accused is yet to be detected and identified, and the 4th accused now stands deleted from the array of the accused. The petitioners seek orders quashing the prosecution on the ground that they and the defacto complainant have come to terms amicably. The defacto complainant, Sijo on whose complainant the police registered the crime, is the 1st respondent herein. He has filed affidavit to the effect that the whole dispute now stands settled, and he has no grievance or complaint now.

2. The learned Public Prosecutor submits on instructions that the police has deleted 4th accused from the array of accused, and the 3rd accused is not yet identified. I am well satisfied that there is a real and genuine settlement between the parties, and in such a situation continuance of proceedings will

not serve any purpose. In the circumstance of amicable settlement which is found to be true and genuine, continuance of further proceedings will cause harm and hardship to the parties.

In the result, this Crl.M.C. is allowed. The FIR and further proceedings in Crime No. 1094/2014, will stand quashed under Section 482 Cr.P.C.

Sd/-

P. UBAID, JUDGE

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