

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

Crl.MC.No. 355 of 2015 ()

**CP 69/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, THAMARASSERY
CRIME NO. 183/2014 OF KODENCHERRY POLICE STATION, KOZHIKODE DISTRICT**

PETITIONERS/ACCUSED :

1. SHIBU K.C.,
S/O. CHERIAN, AGED 40 YEARS
KARIKOMBIL HOUSE, NOORANTHODU P.O.
CHIPPILYTHODY, KOZHIKODE DISTRICT.
2. SHERIN SHAJAN,
W/O. SHAJAN, AGED 41 YEARS
KARIKOMBIL HOUSE, NOORANTHODU P.O.
CHIPPILYTHODY, KOZHIKODE DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS/DEFACTO COMPLAINT & STATE :

1. BINDU @ ELIYAMMA,
W/O. ELIYAS, AGED 35 YEARS
RESIDING AT KOLLAM KUDIYIL HOUSE
NOORANTHODU P.O., CHIPPILYTHODY,
KOZHIKODE DISTRICT-673 001.
2. THE SUB INSPECTOR OF POLICE
KODENCHERRY POLICE STATION,
KOZHIKODE DISTRICT-673 001.
3. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.

**R1 BY ADV. T.K.BABU
R2 & R3 BY PUBLIC PROSECUTOR SRI. JIBU P. THOMAS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

...2/-

Crl.MC.No. 355 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES :

ANNEXURE A1 - A TRUE COPY OF THE FINAL REPORT IN CP 69/2014.

**ANNEXURE A2 - A TRUE OF THE AFFIDAVIT SWORN TO BY THE DEFACTO
COMPLAINANT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

B.KEMAL PASHA, J.

CrI.M.C.No.355 of 2015 A

Dated this the 30th day of March 2015

ORDER

The accused in C.P. No.69 of 2014 of Judicial First Class Magistrate's Court-II, Thamarassery for the offences punishable under Sections 452, 341, 323, 324, 354, 308 and 506 read with Section 34 of the I.P. C., have come up under Section 482 of the Code of Criminal Procedure, for getting Annexure -A1 final report in C.P.No.69 of 2014 in crime No.183/2014 of Kodencherry police station and all further proceedings therein, quashed.

2. The prosecution case is that on 15.10.2014 at 9.20 a.m., both the petitioners had committed trespass into the house of the *defacto complainant* woman, caught hold of her hand and hair and she was criminally intimidated. She escaped from their clutches

and ran out. It is further alleged that the first petitioner hit her with a stone and beat her with a stick. The second petitioner slapped her. It is alleged that once the petitioner had made sexual overtures towards her, and she had reported the matter to the wife of the first petitioner, and it was the provocation behind the present incident.

3. According to the petitioners, the matter has been amicably between them and the *defacto complainant*, and the *defacto complainant* has no complaints against the petitioners.

4. Heard the learned counsel for the petitioner, the learned counsel for the *defacto complainant* and the learned Public Prosecutor.

5. Even though an offence under Section 308 of the I.P.C., is also alleged, there are no materials to invite the said offence in the present case. The parties are neighbours. Presently the matter has been settled between the parties and they are in healthy relationship at present.

6. The first respondent herein, who is the *defacto complainant*, has filed an affidavit affirming that the matter has been amicably settled and she has no complaints against the petitioners. When the parties are neighbours and the matter involved is amicably settled and they are continuing in healthy relationship, I am of the view that 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 -A1 final report in C.P.No.69 of 2014, which has arisen from Crime No.183/2014 of Kodencherry police station and all further proceedings therein, are quashed.

Sd/-
B.KEMAL PASHA,
JUDGE

dl

// TRUE COPY //

PA to Judge