

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

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

CrI.M.C.No. 442 of 2015 ()

AGAINST CC 434/2013 of J.M.F.C.-II, KOLLAM
CRIME NO.262/2013 OF SAKTHIKULANGARA POLICE STATION , KOLLAM

PETITIONER(S)/ACCUSED:

1. UNNIKUTTAN AGED 20 YEARS
S/O.SIVADASAN, NEETHU NIVAS, MARUTHADI
SAKTHIKULANGARA, KOLLAM.
2. VISHNULAL AGED 22 YEARS
S/O.MANILAL, PULAKKATTU PADINJATTATHIL, MARUTHADI
SAKTHIKULANGARA, KOLLAM.
3. SAMJITH AGED 19 YEARS
S/O.SATHYASEELAN, KAIPPALLITHARAVEEDU, MARUTHADI
SAKTHIKULANGARA, KOLLAM.
4. AKKU ANANDH AGED 18 YEARS
S/O.ANANDAN, PULINJIKKAL PADINJATTATHIL, MARUTHADI.P.O
KOLLAM.
5. SATHEESH AGED 18 YEARS
S/O.SADASIVAN, PULINJIKKAL VEEDU, MARUTHADI.P.O.
KOLLAM.

BY ADV. SRI.SAJU J PANICKER

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

1. STATE OF KERALA
(SUB INSPECTOR OF POLICE
SAKTHIKULANGARA POLICE STATION
CRIME NO.262/2013) REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
2. BABU RAJ, AGED 46 YEARS
S/O.BHAVANANDAN, PUTHEPURA KIZHAKKATHIL
KANNIMEL CHERRY, SAKTHIKULANGARA, KOLLAM.
3. SANALKUMAR, AGED 32 YEARS
S/O.CHANDRAN, VAYALITHARA VEEDU, KARANGAYIL JUNCTION
KANNIMEL, SAKTHIKULANGARA, KOLLAM.

R2-3 BY ADV. SREENATH. D

R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

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

Crl.MC.No. 442 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1- THE CERTIFIED COPY OF THE F.I.R IN CRIME NO.262/2013 OF SAKTHIKULANGARA POLICE STATION.

ANNEXURE A2- THE CERTIFIED COPY OF THE CHARGE SHEET IN CRIME NO.262/2013.

ANNEXURE A3- THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

ANNEXURE A4- THE AFFIDAVIT SWORN BY THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.

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**Crl.M.C No.442 of 2014**

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Dated this the 20th January, 2015

ORDER

The petitioners herein are the five accused in Crime No.262 of 2013 of the Sakthikulangara Police Station registered under Sections 143, 147, 148, 341, 294 (b), 324, 427 read with 149 of Indian Penal Code. Two of the accused were juveniles on the date of the alleged incident. After investigation, the Police submitted final report against three of the accused before the learned Judicial First Class Magistrate Court-II, Kollam. On the said final report, the learned Magistrate took cognizance against the petitioners 1 to 3 herein in C.C 434 of 2013. The said prosecution is sought to be quashed under Section 482 of the Code of Criminal Procedure on the ground of amicable settlement made by the parties out of court. Though the juveniles are parties here, orders cannot be made in their favour because their case is yet to be taken on file before the Juvenile Justice Board. They will have to seek orders as and when cognizance is taken by the Juvenile Justice Board on the final report against them. So,

orders are being passed here only in favour of the petitioners 1 to 3. The de facto complainant Babu Raj is the 2nd respondent herein. The 3rd respondent is the other person who sustained injuries in the alleged incident. The respondents 2 and 3 have filed affidavit to the effect that they have settled the whole dispute with the accused, and they have no grievance or complaint now. I find that there is a real and genuine settlement between the parties. The parties have come to terms amicably on the intervention of persons acceptable to both sides, and the parties are now on quite cordial terms. In such a situation, continuance of the prosecution will not serve any purpose other than wasting the precious time of the court.

In the result, this petition is allowed in favour of the petitioners 1 to 3. The prosecution against them in C.C No.434 of 2013 before the Judicial First Class Magistrate's Court-II, Kollam will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners 1 to 3 will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

**Sd/-
P.UBAID
JUDGE**

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/True copy/

P.S to Judge