

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

Crl.MC.No. 521 of 2015 ()

**CC.NO. 772/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, AMBALAPUZHA
CRIME NO. 290/2009 OF PUNNAPRA POLICE STATION , ALAPPUZHA DISTRICT**

PETITIONER(S)/ACCUSED 1 TO 4:

- 1. ASOKAN, S/O.ANIRUDHAN, AGED 40 YEARS,
VRIKSHAVILASAMTHOPPU, PUNNAPRA VILLAGE,
VANDANAM, ALAPPUZHA DISTRICT.**
- 2. JAYAKUMAR, S/O.BALAKRISHNAN, AGED 39 YEARS,
PUTHENPARAMBIL HOUSE, PUNNAPRA VILLAGE,
VANDANAM, ALAPPUZHA DISTRICT.**
- 3. VINOD, S/O.KUNJIKRISHNAN, AGED 40 YEARS,
KATTUNGAL HOUSE, AMBALAPUZHA NORTH PANCHAYAT,
VANDANAM, ALAPPUZHA.**
- 4. SINDHU, W/O.JAYAKUMAR, AGED 34 YEARS,
PUTHENPARAMBIL HOUSE, PUNNAPRA VILLAGE,
VANDANAM, ALAPPUZHA DISTRICT.**

**BY ADVS.SRI.C.A.CHACKO
SMT.C.M.CHARISMA**

RESPONDENT(S)/COMPLAINANT & DEFACTO COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTING SUB INSPECTOR OF POLICE,
PUNNAPRA POLICE STATION, ALAPPUZHA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. RAJENDRAN @ VISWAN, S/O.BHASKARAN, AGED 50 YEARS,
PUTHENPARAMBIL, PUNNAPRA VILLAGE,
VANDANAM, ALAPPUZHA - 688 004.**
- 3. REMA, W/O.RAJENDRAN @ VISWAN, AGED 42 YEARS,
PUTHENPARAMBIL, PUNNAPRA VILLAGE, VANDANAM,
ALAPPUZHA - 688 004**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS
R2 & R3 BY ADV. SRI.R.VIJAYACHANDRAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-02-2015, ALONG WITH CRL.MC.NO. 530/2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 521 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEX A1: TRUE COPY OF FINAL REPORT DATED 31/10/2010.

ANNEX A2: AFFIDAVIT DATED 10/1/2015 OF 2ND RESPONDENT.

ANNEX A3: AFFIDAVIT DATED 10/1/2015 OF 3RD RESPONDENT

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.S.TO.JUDGE

sts

B.KEMAL PASHA, J.

.....
CRL. M.C. Nos.521 & 530 of 2015
.....

Dated this the 5th day of February, 2015

ORDER

Crl.M.C.No.521/15 is filed by accused in C.C.772/2011 on the file of the Judicial First Class Magistrate's Court, Ambalapuzha, which has arisen from Crime No.290/2009 of the Punnapra Police Station. The said crime has been registered as per the private complaint filed by the 2nd respondent which was referred to the police under Section 156(3) Cr.P.C. Presently, the offences alleged therein are under Sections 323, 324, 294(B), 427 and 506(ii) read with Section 34 of the Indian Penal Code.

2. Crl.M.C.No.530/15 is filed by accused in C.C.597/2008 on the file of the Judicial First Class Magistrate's Court, Ambalapuzha, which has arisen from

Crime No.188/2008 of the Punnapra Police Station, presently pending for the offences punishable under Sections 143, 147, 148, 149, 447, 294(B), 427 and 324 read with Section 149 of the Indian Penal Code.

3. Both the cases are pending as if it is a case and counter, C.C.597/2008 being the main case. In both the case the only offence which cannot be compounded is the one under Section 294(b) IPC. It seems that the parties have come to terms and have amicably settled the matters in dispute in both the cases.

4. According to the petitioners, they have amicably settled the matters involved in both the cases and presently they have no complaints each other. In CrI.M.C.530/2015, affidavits have been filed by CWs.1 to 3 in C.C.No.597/08, thereby affirming that all the matters have been amicably settled and presently there have no complaints against the petitioners therein. Similarly, in CrI.M.C.521/15, affidavits have been filed by CWs.1 and 2 in C.C.No.772/11 affirming

that all the matters have been amicably settled and presently there have no complaints against the petitioners therein.

5. Heard learned counsel for all the parties and the learned Public Prosecutor.

6. It has come out that the matter involved has been amicably settled and presently the defacto complainant and the injured witnesses in both the cases have no complaints against the accused in both the cases. It has to be considered that the only non-compoundable offence involved is one under Section 294(b) IPC in both the cases. When the matters have been amicably settled and the parties are moving in harmony, I am of the view that it is only just and proper in the interest of justice to quash all proceedings in C.C.772/2011 as well as C.C.597/2008 of the Judicial First Class Magistrate's Court, Ambalapuzha, as prayed for.

7. In the result, these Crl.M.Cs. are allowed and all

CRL.M.C.Nos.521 & 530 of 2015

-: 4 :-

proceedings in C.C.772/2011 as well as C.C.597/2008 of the Judicial First Class Magistrate's Court, Ambalapuzha, are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge