

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

Crl.MC.No. 616 of 2015 ()

CRIME NO. 1595/2014 OF PUTHENCROUZ POLICE STATION ,ERNAKULAM DISTRICT

PETITIONER(S)/ACCUSED NOS.1 TO 4 :

- 1. RAJAN, AGED 30 YEARS, S/O.NARAYANAN,
KUTHUKALLINKAL VEETIL, KADAYIRIPPU KARA,
AIKKARANAD NORTH VILLAGE.**
- 2. ANSARI, AGED 32 YEARS, S/O.PAREETH,
EELAKKAYAM VEETIL, PADIKKODU, NADAKKAL KARA,
ERATTUPETTA.**
- 3. LATHEEF, AGED 55 YEARS, S/O.MUHAMMED,
MOOTHEDATH VEETIL, PAMPADU KARA,
MALAPPURAM DISTRICT.**
- 4. SHAJI, AGED 32 YEARS, S/O.PAREETH, EELAKKAYAM VEETIL,
PADIKKODU, NADAKKAL KARA, ERATTUPETTA.**

**BY ADVS.SRI.C.ANILKUMAR (KALLESSERIL)
SRI.P.M.MANASH**

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT :

- 1. STATE OF KERALA (REP. BY THE SUB INSPECTOR OF POLICE,
PUTHENCROUZ POLICE STATION-CR.NO.1595/2014 OF PUTHENCROUZ
POLICE STATION) REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. FOUSIA, AGED 55 YEARS, W/O.IBRAHIM, ATHIKKA VILLA,
EDAYAPPURAM KARA, ALUVA EAST VILLAGE, ALUVA TALUK,
ERNAKULAM DISTRICT-683 513.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS
R2 BY ADV. SRI.N.K.POULOSEKUTTY**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

CRMC.NO.616/2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEX A1 COPY OF THE FIR IN CR.1595/2014 OF PUTHENCROUZ POLICE STATION
ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE'S COURT,
KOLENCHERRY.**

**ANNEX A2 COPY OF THE AFFIDAVIT DATED 8/1/2015 SWORN IN BY THE 2ND
RESPONDENT/DEFACTO COMPLAINANT IN THE ABOVE CASE.**

RESPONDENT'S ANNEXURES:

NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

B. KEMAL PASHA, J.

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Crl.M.C. No.616 2015
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Dated this the 18th day of March, 2015

ORDER

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The accused in Crime No.1595/2014 of Puthencruz Police Station registered for the offence punishable under Section 379 read with Section 34 IPC have come up under Section 482 Cr.P.C. for getting Annexure-A1 FIR in the said crime and all further proceedings pursuant to it before the Judicial First Class Magistrate's Court, Kolenchery, quashed.

2. The allegation against the petitioners is that on 01.10.2014 the petitioners have committed theft of some

trees from the property of the de facto complainant. According to the petitioners, the matter has been amicably settled between the petitioners and the 2nd respondent, who is the de facto complainant, and presently, the de facto complainant has no complaints against the petitioners. The de facto complainant has entered appearance and filed an affidavit stating that the matter has been amicably settled and she has no complaints against the petitioners. Over and above it, the investigating officer has filed a report stating that the case forwarded by the de facto complainant is found to be on mistake of fact, in the investigation and the investigating officer is about to file a report to that effect.

3. When the matter has been amicably settled between the parties and as the de facto complainant has no complaints against the petitioners, it is only just and expedient in the interest of justice to quash the proceedings referred to above.

In the result, this CrI.M.C. is allowed and Annexure-A1

FIR in Crime No.1595/2014 of Puthencruz Police Station as against the petitioners and all further proceedings pursuant to it before the Judicial First Class Magistrate's Court, Kolenchery are hereby quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/18/03

// True Copy //

PA to Judge