

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

Crl.MC.No. 624 of 2015

C.P.NO.79/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, CHENGANNUR

PETITIONER(S)/ACCUSED NO.6 & 7 :

- 1. RENJU, AGED 28 YEARS,
S/O.ABRAHAM, CHANDANAVELIL, CHENGANNUR TALUK,
CHENGANNUR VILLAGE.**
- 2. BYNEESH SAM CHACKO, AGED 24 YEARS,
S/O.CHACKO, THAIKKOOTTATHIL VEEDU, CHENGANNUR VILLAGE,
CHENGANNUR TALUK.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRA KRISHNAN
SRI.V.VINAY**

RESPONDENT(S)/STATE/COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031,
(CRIME NO.121/2010 OF CHENGANNUR POLICE STATION,
ALAPPUZHA DISTRICT).**
- 2. GRACY CHACKO,
PADEESSERIL HOUSE, MANGALAM MURIYIL,
CHENGANNUR VILLAGE, CHENGANNUR TALUK,
ALAPPUZHA-689 121.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU.P.THOMAS
R2 BY ADV. SRI.N.ASHOK KUMAR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-02-2015, ALONG WITH Crl.MC.No.625 OF 2015 & Crl.MC.No.627 OF 2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE I:** TRUE COPY OF THE FIR CRIME NO.121/2010 OF CHENGANNUR POLICE STATION.
- ANNEXURE II:** TRUE COPY OF THE FINAL REPORT IN CRIME NO.121/2010 OF CHENGANNUR POLICE STATION.
- ANNEXURE III:** TRUE COPY OF THE PROTEST COMPLAINT FILED BY THE INFORMANT IN CP NO.79/2014 ON THE FILE OF JUDICIAL MAGISTRATE OF FIRST CLASS, CHENGANNUR.
- ANNEXURE IV:** AFFIDAVIT SWORN BY THE SECOND RESPONDENT DATED 28.01.2015.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B.KEMAL PASHA, J.

.....
CRL. M.C. Nos.624, 625 and 627 of 2015
.....

Dated this the 18th day of February, 2015

ORDER

Petitioners in Crl.M.C.No.624/15 are A6 and A7 in C.P.No.79/2014 of the Judicial First Class Magistrate's Court, Chengannur, petitioners in Crl.M.C.No.625/15 are A1 and A8 in S.C.No.1119/2014 of the Assistant Sessions Court, Chengannur and petitioners in Crl.M.C.No.627/15 are accused Nos.2 to 5 and 9 in S.C.No.417/2013 of the Assistant Sessions Court, Chengannur.

2. C.P.No.79/2014, S.C.No.1119/2014 and S.C.No.417/2013 have arisen from a private complaint filed by the 2nd respondent herein as complainant before the Judicial First Class Magistrate's Court, Chengannur, alleging offences punishable under Sections 143, 147, 148, 307, 427

and 447 IPC read with Section 149 of the Indian Penal Code.

3. At the first instance, the 2nd respondent herein had filed a private complaint before the Judicial First Class Magistrate's Court, Chengannur alleging the said offences and the same was referred to the police under Section 167 (3) Cr.P.C. The police, after conducting an investigation, found the allegations as false and consequently filed a refer report. It was in protest to the refer report, the present complaint was filed by way of protest complaint by the 2nd respondent herein.

4. The allegations against the petitioners is that on 13.01.2010 at 8 p.m., they trespassed into the property belongs to the defacto complainant and her husband with implements like pickaxe, spades and hammer and they demolished and destroyed the wire fencing and granite pillars from the boundary of the property thereby causing a wrongful loss of ₹20,000/- to the to the defacto complainant

and her husband. It is alleged that when the defacto complainant intervened and obstructed their acts, they attempted to cause her death, thereby attempting to commit murder. No injuries were caused. The learned Magistrate after conducting an enquiry under Section 202 Cr.P.C., took the case to file and initially numbered it as C.P.No.58.2012 as against A2, A3, A4, A5 and A9, who were then available. The said case was committed to the Court of Sessions, which is presently pending as S.C.No.417/2013 as aforesaid. Subsequently, the case against A1 and A8 was numbered as C.P.No.9/2013 and the case against A1 and A8 were committed to the Court of Sessions, which is presently pending as S.C.No.1119/2014 as aforesaid. The case against A6 and A7 is still not committed and is pending as C.P.No.79/2014 before the learned Magistrate as aforesaid.

5. According to the petitioners, the matters in dispute have been settled between them and the defacto complainant and presently the defacto complainant has no

complaints against the petitioners.

6. The defacto complainant has entered appearance and filed a detailed affidavit in which she has affirmed that the matters in dispute have been amicably settled between her and the petitioners and she has no complaints against any of the petitioners. She has also prayed for getting the proceedings in the aforesaid cases against the petitioners, quashed. The learned counsel for the defacto complainant also endorses the fact that the affidavits have been sworn in by the defacto complainant herself on her own volition and that the matter has been amicably settled between the parties.

7. When the matter has been amicably settled in between the parties and especially when there are no ingredients to attract an offence under Section 307 IPC in the matter, it is just and proper in the interest of justice to quash all further proceedings in C.P.No.79/2014 pending before the Judicial First Class Magistrate's Court,

Chengannur, S.C.No.1119/2014 pending before the Assistant Sessions Court, Chengannur and S.C.No.417/2013 pending before the Assistant Sessions Court, Chengannur.

In the result, all these Crl.M.Cs. are allowed and all further proceedings in C.P.No.79/2014 pending before the Judicial First Class Magistrate's Court, Chengannur, S.C.No.1119/2014 pending before the Assistant Sessions Court, Chengannur and S.C.No.417/2013 pending before the Assistant Sessions Court, Chengannur, are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge