

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936

Crl.MC.No. 656 of 2015

CRIME NO. 1843/2010 OF HILL PALACE POLICE STATION, ERNAKULAM
.....

PETITIONER(S)/ACCUSED:

**ABRAHAM M.T., AGED 48 YEARS,
S/O.THOMAS, MADAMAKKAL HOUSE, EROOR SOUTH,
ELUMANA ROAD, ERNAKULAM.**

BY ADV. SRI.P.B.ASOKAN

RESPONDENT(S)/STATE/COMPLAINANT/DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031..**
- 2. SUB INSPECTOR OF POLICE,
HILLS PALACE POLICE STATION,
THRIPPUNITHURA, PIN - 682 301.**
- 3. FAHAD, AGED 21 YEARS,
S/O.ABDUL RAHMAN, SURIYANI PALLIPPURAYIDOM,
BEACH NORTH, KOCHERI WARD, JONAKAPURAM,
QUILON-13, NOW AT HOUSE NO.X/270A, EROOR SOUTH,
EZHUMANACKAL TEMPLE ROAD, EROOR P.O.,
THRIPUNITHURA, PIN - 682 303.**

**R1 & R2 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS
R3 BY ADV. SRI.C.S.AJITH PRAKASH**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
09-02-2015, ALONG WITH CRMC. 7234/2014 & CRMC. 657/2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE A1- CERTIFIED COPY OF THE FIR IN CRIME NO.1843/2010 OF THE HILL PALACE POLICE STATION.

ANNEXURE A2- CERTIFIED COPY OF THE FINAL REPORT IN FIR NO.1843/2010 DATED 31.10.2010 ALONG WITH THE STATEMENTS RECORDED.

ANNEXURE A3- TRUE COPY OF THE FIR NO.1842/10 OF THE HILL PALACE POLICE STATION.

ANNEXURE A4- TRUE COPY OF THE FINAL REPORT IN FIR NO.1842/10.

ANNEXURE A5- TRUE COPY OF THE WOUND CERTIFICATE DATED 2.10.2010 ISSUED FROM THE V.K.M.HOSPITAL, THRIPPUNITHURA.

ANNEXURE A6- TRUE COPY OF THE STATEMENT OF DR.VENUGOPAL, MEDICAL OFFICER, V.K.M.HOSPITAL, THRIPPUNITHURA, RECORDED BY THE POLICE.

ANNEXURE A7- ORIGINAL OF THE AFFIDAVIT DATED 27.1.2015 SWORN BY THE 3RD RESPONDENT/DE FACTO COMPLAINANT IN FIR NO.1843/10.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B.KEMAL PASHA, J.

.....
CRL. M.C. Nos.656 & 657 of 2015
& 7234 of 2014
.....

Dated this the 9th day of February, 2015

ORDER

Petitioner in Crl.M.C.No.656/15 is the accused in Crime No.1843/10 of the Hill Palace Police Station, Thrippunithura, presently pending as C.C.No.1173/2010 before the Additional Chief Judicial Magistrate's Court, Ernakulam. The 3rd respondent in Crl.M.C.No.656/15 is the defacto complainant therein. There were two other injured persons also in the crime.

2. Dissatisfied with the investigation of the crime and the consequent proceedings in C.C.1173/2010, one Abdul Rahman and Mumthaz, who are respondents 3 and 4 in Crl.M.C.No.657/2015, have filed a private complaint

before the Additional Chief Judicial Magistrate's Court, Ernakulam. The same is presently pending as C.C.1038/2011. The accused in the said private complaint is the petitioner in Crl.M.C.657/2015, who is the petitioner in Crl.M.C.656/2015 also.

3. Crl.M.C.No.7234/2014 is filed by the accused in Crime No.1842/2010 of the Hill Palace Police Station, Thrippunithura. In the incident involved in the above case, one Rajasree, who is the 3rd respondent in Crl.M.C.No.7234/2014, who is the wife of the petitioner in Crl.M.C.No.656/2015 and Crl.M.C.657/2015, also sustained injuries, for which Crime No.1842/10 of the said Police Station was registered. The said case is presently pending as C.C.144/2014 before the Judicial First Class Magistrate's Court, Thrippunithura.

4. C.C.No.1173/2010, which has arisen from Crime No.1843/2010 of the Hill Palace Police Station is pending for the offences punishable under Sections 447, 323, 324 and

506(ii) IPC. The private complaint presently pending as C.C.1038/2011 is for the offences punishable under Sections 447, 323, 324 and 325 IPC. Crime No.1842/2010 presently pending as C.C.7144/2014 is for the offences punishable under Sections 452, 323 and 324 read with Section 34 IPC.

5. Heard learned counsel for the petitioners, learned counsel for the contesting respondents and the learned Public Prosecutor.

6. According to the petitioners, all the matters in dispute between the parties have been amicably settled and presently they have no complaints each other. In Crl.M.C.656/15, the 3rd respondent has filed an affidavit affirming that the matter has been amicably settled and he has no complaints against the petitioner.

7. Similarly, respondents 3 and 4 in Crl.M.C.657/15 have filed separate affidavits affirming that the matter has been amicably settled between them and the petitioner and

they have no complaints against the petitioner.

8. In CrI.M.C.7234/14 the 3rd respondent has filed an affidavit affirming that the matter has been settled between her and the petitioners therein and she has no complaints against the petitioners.

9. It seems that the matter involved in the above three cases have been amicably settled in between the parties. When the matters in dispute have been amicably settled between the parties, it is only just and expedient in the interest of justice to quash all the proceedings against the petitioners.

In the result, these CrI.M.Cs. are allowed and Annexure-A1 FIR and Annexure -A2 Final Report in Crime No.1843/19 of the Hill Palace Police Station, Thrippunithura and all further proceedings in C.C.1173/2010 on the file of the Additional Chief Judicial Magistrate's Court, Ernakulam, Annexure-A1 complaint in M.P.No.2000/10 and all further proceedings in C.C.1038/2011 on the file of the Additional

CRL.M.C.Nos.656 & 657/15 & 7234/14

-: 5 :-

Chief Judicial Magistrate's Court, Ernakulam, and Annexure-A1 FIR and Annexure A2 Final Report in Crime No.1842/10 of the Hill Palace Police Station, Thrippunithura and all further proceedings in C.C.1183/2010 on the file of the Additional Chief Judicial Magistrate's Court, Ernakulam, are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge