

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

Crl.MC.No. 720 of 2015 ()

CC 1373/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, PALA

PETITIONERS/ACCUSED :

- 1. ANTONY PAULSON, AGED 24 YEARS,
S/O PAULSON, KUDIYIRIPPIL HOUSE, MATTOOR,
KARA, KALADY POST, ERNAKULAM DIST.**
- 2. PAULSON,
KUDIYIRIPPIL HOUSE, MATTOOR
KARA, KALADY POST, ERNAKULAM DIST.**
- 3. MIDHU PAULSON, D/O PAULSON &
W/O.SONY JOSEPH, KUDIYIRIPPIL HOUSE,
MATTOOR, KARA**
- 4. ROSILY PAULSON,
W/O PAULSON, KUDIYIRIPPIL HOUSE,
MATTOOR, KARA, KALADY POST
ERNAKULAM DIST**

**BY ADVS.SMT.JEENA JOSEPH
SRI.G.D.PANICKER**

RESPONDENTS/COMPLAINANTS-STATE :

- 1. PENNAMMA JOSEPH, AGED 62 YEARS
W/O.LATE SRI. JOSEPH., KAROOPARAMBIL HOUSE,
OPP. HOUSING BOARE CORPORATION, PALA TOWN PALA
PIN-686875**
- 2. SUB INSPECTOR PO POLICE,
PALA REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM PIN-682031**

**R1 BY ADVS. SRI.P.GOPAKUMARAN NAIR
SRI.C.S.DIAS**

R2 BY PUBLIC PROSECUTOR SRI. JIBU P. THOMAS

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 10-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- | | |
|---------------------|---|
| ANNEXURE A1: | A TRUE PHOTOCOPY OF THE FIR NO. 268/2014 OF THE JFCM, PALA |
| ANNEXURE A2: | A TRUE PHOTOCOPY OF THE CHARGE SHEET IN C.C.NO.1373/2014 OF THE JFCM, PALA. |
| ANNEXURE A3: | A TRUE PHOTOCOPY OF THE AGREEMENT DATED 7.10.2014 BETWEEN THE PETITIONERS AND THE RESPONDENT. |
| ANNEXURE A4: | A TRUE PHOTOCOPY OF THE JOINT PETITION FILED BY THE PARTIES BEFORE THE FAMILY COURT, ERNAKULAM. |
| ANNEXURE A5: | A RUN PHOTOCOPY OF THE JUDGMENT DATED 20.12.2014 IN CR.M.C. NO.7143/2014 OF THE HONOURABLE COURT OF KERALA |

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE

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B. KEMAL PASHA, J.

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Crl.M.C. No.720 2015
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Dated this the 10th day of February, 2015

ORDER

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This is a petition filed under Section 482 of the Code of Criminal Procedure.

2. Petitioners are accused Nos.1 to 4 in FIR No.268/2014 of Pala Police Station registered for the offences punishable under Sections 452, 323, 354, 427 and 506(ii) of the Indian Penal Code.

3. Petitioners have come up with this petition for getting Annexure-A1 FIR and Annexure-A2 final report in Crime No.268/2014 of Pala Police Station as against the petitioners and all further proceedings based on it in C.C.1373/2014 pending before the Judicial First Class Magistrate's Court, Pala, quashed.

4. The 1st respondent is the mother-in-law of the 3rd petitioner and other petitioners are the parents and brother

of the 3rd petitioner. The allegation against the petitioners is that they have committed house trespass into the house of the 1st respondent and committed mischief.

5. Heard learned counsel for the petitioners, the learned counsel for the 1st respondent and learned Public Prosecutor.

6. According to the petitioners, all the matters in dispute between the petitioners and the 1st respondent have been amicably settled in mediation and an agreement is also entered into between them and presently, the 1st respondent has no complaints against the petitioners and, therefore, the proceedings against the petitioners may be quashed.

7. The 1st respondent herein, has filed an affidavit affirming that all the matters in dispute between her and the petitioners have been amicably settled and, therefore, she has no complaints against the petitioners and, therefore, all further proceedings in the matter referred to above can be

quashed. She has entered appearance through her counsel. The learned counsel for the 1st respondent also endorses the fact that the affidavit has been sworn in by the 1st respondent on her own volition.

8. When all the disputes have been settled between the parties and as the 1st respondent 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 Crl.M.C. is allowed and Annexure-A1 FIR and Annexure-A2 final report in Crime No.268/2014 of Pala Police Station as against the petitioners and all further proceedings based on it in C.C.1373/2014 pending before the Judicial First Class Magistrate's Court, Pala are hereby quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/10/02