

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. 723 of 2015

**SC 467/2013 OF PRINCIPAL SESSIONS COURT, THALASSERY
CRIME NO. 652/2012 OF PAYYANNUR POLICE STATION, KANNUR**
.....

PETITIONER(S)/ACCUSED NO.1 TO 3:

1. UNNIRAJAN NAIR, AGED 61 YEARS,
S/O.KUNHAMBU, 'SAJITHALAYAM', PAYYANUR AMSOM DESOM,
PUNCHAKKAD, P.O. PAYYANUR, KANNUR DISTRICT.
2. SAJITH, AGED 28 YEARS,
S/O.UNNIRAJAN NAIR,
'SAJITHALAYAM', PAYYANUR AMSOM DESOM,
PUNCHAKKAD, P.O. PAYYANUR, KANNUR DISTRICT.
3. RAJEEVAN P., AGED 44 YEARS,
S/O.BALAKRISHNAN, PUNAKKACHERY HOUSE, KANICHIRA,
THAIKKADAPPURAM, NILESWARAM, KASARAGOD DISTRICT

BY ADV. SRI.M.V.AMARESAN

RESPONDENT(S)/COMPLAINANTS:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COUT OF KERA, ERNAKULAM -682 031
2. ERMANGALAM SUMATHI, AGED 44 YEARS,
D/O.GOPALAN, PAYYANUR AMSOM DESOM, KANDANGALI,
KANNUR DISTRICT, PIN - 670 306.

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS
R2 BY ADV. SRI.PHILJO VARUGHESE PHILIPS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
18-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 723 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE 1: TRUE COPY OF FIR IN CRIME NO.652/2012 REGISTERED BY
PAYYANNUR POLICE STATION.**

**ANNEXURE 2: TRUE COPY OF FINAL REPORT DATED 06.05.2013 IN CRIME
NO.652/2012 REGISTERED BY PAYYANNUR POLICE STATION.**

**ANNEXURE 3: TRUE COPY OF AFFIDAVIT DATED 24.1.2015 SWORN BY THE
2ND RESPONDENT**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B. KEMAL PASHA, J.

.....
Crl.M.C. No.723 2015
.....

Dated this the 18th 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 the accused in Crime No.652/2012 of Payyannur Police Station presently pending as S.C.No.467/2013 before the Sessions Court, Thalassery for the offences punishable under Sections 447, 427 and 506(i) read with Section 34 IPC and Section 3(1)(x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Petitioners have come up with this petition for getting Annexure-1 FIR and Annexure-2 final report in Crime No.652/2012 of Payyannur Police Station as against the petitioners and all further proceedings based on it in S.C.467/2013 pending before the Sessions Court,

Thalassery, quashed.

4. The allegation against the petitioners is that on 28.05.2012 at 4.30 p.m. they, who belong to Nair community, trespassed into the property of the *defacto complainant*, who is a member of a Scheduled Caste, and destroyed the compound wall, thereby causing a wrongful loss of ₹5,000/- to the *defacto complainant* and insulted her by calling her caste name in public view. According to the petitioners, the parties are neighbours and they have settled the matter amicably between them and presently, the *defacto complainant*, who is the 2<sup>nd</sup> respondent herein, has no complaints against the petitioners.

5. Heard learned counsel for the petitioners, the learned counsel for the *defacto complainant*, who is the 2<sup>nd</sup> respondent herein, and learned Public Prosecutor.

6. The *defacto complainant* has entered appearance and filed a detailed 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 S.C.467/2013 can be quashed. The learned counsel for the defacto complainant also endorses the fact that the affidavit has been sworn in by the defacto complainant on her own volition.

7. When all the matter has been amicably settled between the parties and as the defacto 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 Crl.M.C. is allowed and Annexure-1 FIR and Annexure-2 final report in Crime No.652/2012 of Payyannur Police Station as against the petitioners and all further proceedings based on it in S.C.467/2013 pending before the Sessions Court, Thalassery are hereby quashed.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**