

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

Crl.MC.No. 738 of 2015 ()

CRIME NO. 1181/2014 OF VENJARAMOODU POLICE STATION ,
THIRUVANANDAPURAM

PETITIONERS:

1. SIVAPRASAD
S/O.SAHADDEVAN, MUTTATHURA VEEDU KEEZHACHERI MURI
VAMANAPURAM VILLAGE, THIRUVANANTHAPURAM.
2. CHANDRAN
S/O.SAHADDEVAN, INDIRA VERIAM VEEDU, KEEZHANCHERI MURI
VAMANAPURAM VILLAGE, THIRUVANANTHAPURAM.
3. BABU
S/O.SAHADDEVAN, NANDHI BHAVAN, KEEZHANCHERI MURI
VAMANAPURAM VILLAGE, THIRUVANANTHAPURAM.
4. BINU
S/O.SASI, PANICKAL VEEDU, KEEZHANCHERI MURI
VAMANAPURAM VILLAGE, THIRUVANANTHAPURAM.
5. JAYA PRASAD, S/O.SASI,
MOOZHI MELATHIL VEEDU, KEEZHACHERI MURI, VAMANAPURAM
VILLAGE, THIRUVANANTHAPURAM

BY ADV. SRI.M.R.SARIN

RESPONDENTS:

1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682031
2. SANTHA
S/O.CHELLAMMA DEEPA VILASOM MAMODU VAMAMANA PURAM VILLAGE
THIRUVANANTHAPURAM 695001
3. SHIJU
S/O.RAVINDRAN
DEEPA VILASOM MAMOODU VAMANAPURAM VILLAGE
THIRUVANANTHAPURAM 695001

R3 BY ADV. SRI.AJAYA KUMAR. G
BY PUBLIC PROSECUTOR SRI. JIBU P THOMAS

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
26-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 738 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE AI: CERTIFIED COPY OF THE FIR NO.1181/2012 OF
VENJARAMOODU POLICE STATION

ANNEXURE A2: CERTIFIED COPY OF THE FINAL REPORT IN CRIME
NO.1181/2012 OF VENJARAMOODU POLICE STATION

ANNEXURE A3: STATEMENT SIGNED BY THE 2ND RESPONDENT

ANNEXURE A4: STATEMENT SIGNED BY THE 3RD RESPONDENT

RESPONDENTS' EXHIBITS

NIL

/TRUE COPY/

P.A. TO JUDGE

SJ

B.KEMAL PASHA, J.

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Crl.M.C.No.738 of 2015

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Dated this the 26th day of March, 2015

ORDER

The accused in C.C.No.98/2012 of the Judicial First Class Magistrate's Court-I, Nedumangad which has arisen from Crime No.1181/2012 of Venjaramoodu Police Station registered for offences punishable under Sections 143, 147, 148,149,452,323,324 and 354 of IPC read with Section 149 IPC, has come up under Section 482 Cr.P.C. for getting Annexure A1 FIR and Annexure A2 Final Report in Crime No.1181/2012 and the consequent proceedings in CC No.98/2012, quashed.

2. The prosecution case is that, on 02.11.2012 at 7 pm, the petitioner formed themselves into an unlawful assembly armed with deadly weapons and attacked CWs1 to 3, thereby causing hurt and by outraging the modesty of CW1. According to the petitioners, the matter has been amicably settled by them with CWs1 to 3, and presently CWs1 to 3 have no complaints against the petitioners.

3. The 2nd and 3rd respondents along with CW3 have

entered appearance and filed separate affidavits affirming that the matter has been amicably settled between them and the petitioners, and that they have no complaints against the petitioners at present.

4. The non-bailable offences are the ones under Section 452 and 354 IPC. Considering the facts and circumstances of the case, it is evident that there was absolutely no intention to outrage the modesty of CW1 and the same had allegedly occurred in the course of a quarrel. Considering the fact that the matter has been settled between the petitioners and CWs.1 to 3 and especially when CWs1 to 3 have no complaints against the petitioners at present, I am of the view that this Crl.M.C can be allowed.

In the result, this Crl.M.C is allowed and Annexure-A1 FIR and Annexure A2 Final Report in Crime No.1181/2012 of the Venjaramoodu Police Station and all further proceedings based on it, in C.C.No.98/2012 pending before the Judicial First Class Magistrate's Court – I, Nedumangad, are hereby quashed.

B.KEMAL PASHA, JUDGE

sj