

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936**

**Crl.MC.No. 766 of 2015**  
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**CP 129/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, VADAKARA.  
CRIME NO. 1043/2013 OF VATAKARA POLICE STATION.**  
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**PETITIONER/ACCUSED:**  
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1. KUNNUMMAL SREEDHARAKURUP,  
S/O.NARANAKURUP, AGED 65 YEARS,  
KUNUMMAL HOUSE, MANDARATHUR P.O,  
VATAKARA TALUK.
2. RAJU ALIAS RAJEEVAN, S/O.SREEDHARAKURUP,  
KUNUMMAL HOUSE, MANDARATHUR P.O,  
VATAKARA TALUK.
3. VIJEESH ALIS VINODAN, S/O.SREEDHARAKURUP,  
AGED 34 YEARS, KUNUMMAL HOUSE,  
MANDARATHUR P.O, VATAKARA TALUK.
4. RAJITHA, W/O.RAJEEVAN, AGED 30 YEARS,  
KUNUMMAL HOUSE, MANDARATHUR P.O,  
VATAKARA TALUK.

**BY ADV. SRI.ZUBAIR PULIKKOOL**

**RESPONDENTS/COMPLAINANT:**  
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1. CHANDRI, W/O.RAMESH, AGED 43 YEARS,  
VATAKKE KUNUMMAL HOUSE, MANDARATHUR P.O,  
VATAKARA TALUK, KOZHIKODE DIST, PIN-673101.
2. RAMESAN, S/O.CHOYI, AGED 48 YEARS,  
VATAKKE KUNNUMMAL HOUSE, MANDARATHUR P.O,  
VATAKARA TALUK, KOZHIKODE DIST, PIN-673101.
3. ARUN, S/O.RAMESAN, AGED 19 YEARS,  
VATAKKE KUNNUMMAL HOUSE, MANDARATHUR P.O,  
VATAKARA TALUK, KOZHIKODE DIST, PIN - 673 101.

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**4. STATE OF KERALA, REPRESENTED BY  
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,  
ERNAKULAM-PIN-682031**

**R1 TO R3 BY ADV. SMT.P.A.ANEESHA  
R4 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 19-03-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**mbr/**

**Crl.MC.No. 766 of 2015**  
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**APPENDIX**

**PETITIONER(S)' ANNEXURES:**  
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**ANNEXURE I:- CERTIFIED COPY OF F I R & F I STATEMENT IN CRIME  
NO. 1043/13 OF VATAKARA POLICE STATION.**

**ANNEXURE II:- SWORN AFFIDAVIT OF 1ST RESPONDENT.**

**ANNEXURE III: SWORN AFFIDAVIT OF 2ND RESPONDENT.**

**ANNEXURE IV:- SWORN AFFIDAVIT OF 3RD RESPONDENT.**

**RESPONDENT(S)' ANNEXURES: - NIL**  
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**/TRUE COPY/**

**P.S. TO JUDGE**

**mbr/**

**B. KEMAL PASHA, J.**

.....  
Crl.M.C. No.766 2015  
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*Dated this the 19<sup>th</sup> day of March, 2015*

**ORDER**

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The accused in C.P.129/2014 before the Judicial First Class Magistrate's Court, Vatakara, which has arisen from Crime No.1043/2013 of Vatakara Police Station, have come up under Section 482 Cr.P.C. for getting Annexure-I FIR in the said crime and all further proceedings based on it in C.P.129/2014 quashed.

2. The proceedings are pending for the offences punishable under Sections 341, 323, 324, 452 and 354 read with Section 34 IPC. The only non compoundable offences are offences under Sections 452 and 354 IPC.

3. The allegation against the petitioners is that on 05.07.2013 at 7 p.m., they committed house trespass into the house of the de facto complainant woman, who is the 1<sup>st</sup> respondent herein, and the 2<sup>nd</sup> respondent herein with a

wooden reaper beat the de facto complainant. The other accused slapped the de facto complainant and her son, who is the 3<sup>rd</sup> respondent herein. When the 1<sup>st</sup> respondent attempted to get inside the house, they caught of her nighty thereby it became torn.

4. According to the petitioners, the matter has been amicably settled between them and respondents 1 to 3 and presently, the said respondents have no complaints against the petitioners.

5. Respondents 1 to 3 have entered appearance and filed separate affidavits affirming that the matter has been amicably settled between them and the petitioners and presently, they have no complaints against the petitioners.

6. It seems that there was no conscious attempt to commit an offence under Section 354 IPC in the matter. Considering the facts and circumstances of the case and having regard to the fact that the parties have amicably settled the matter, it is only just and expedient in the interest

of justice to quash the proceedings referred to above.

In the result, this CrI.M.C. is allowed and Annexure-I FIR in Crime No.1043/2013 of Vatakara Police Station as against the petitioners and all further proceedings based on it in C.P.129/2014 pending before the Judicial First Class Magistrate's Court, Vatakara are hereby quashed.

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

aks/19/03

[True copy]

P.A. to Judge