

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. 777 of 2015

CRIME NO. 775/2014 OF KALLADICODE POLICE STATION , PALAKKAD DISTRICT

PETITIONER(S)/ACCUSED :

- 1. SURESH.M @ KUNJUMON,
MALAYIL PULACHIKUZHAYIL HOUSE, ELUMBULASSERY,
PALAKKAD.**
- 2. SETHUMADHAVAN, S/O.UNNI,
MALAYIL HOUSE, ELUMBULASSERY, PALAKKAD.**

BY ADV. SRI.VINOD KUMAR.C

RESPONDENT(S)/COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY SI OF POLICE,
KALLADICODE POLICE STATION BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA- 682 031.**
- 2. SUMA,
W/O.SURESH, MALAYIL VEEDU, PONDIYAMPURAM,
KARAKURSSI, MANNARKKAD, PALAKKAD- 678 001.**

R2 BY ADV. SRI.LIJU. M.P

R1 BY PUBLIC PROSECUTOR SRI.JIBU.P.THOMAS

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-02-2015, ALONG WITH CRL.MC.NO.803 OF 2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

CrI.MC.No. 777 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE 1: TRUE COPY OF FIR IN CRIME NO. 775/2014 OF
KALLADIKODE POLICE STATION.**

ANNEXURE 2: AFFIDAVIT OF 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B. KEMAL PASHA, J.

.....
Crl.M.C. Nos.777 & 803 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 in Crl.M.C.777/2015 are A1 and A2 in Crime No.775/2014 of Kalladikkode Police Station, Palakkad district, registered for the offences punishable under Sections 323, 452, 354, 427 and 506(i) read with Section 34 IPC. Petitioners in Crl.M.C.803/2015 are the accused in Crime No.1355/2014 of Mannarkkad Police Station, Palakkad district, registered for the offences punishable under Sections 323 and 341 read with Section

34 IPC. The petitioners are relatives.

3. The allegation in Crime No.775/2014 of Kalladikkode Police Station is that on 28.12.2014 at 8 p.m., the accused committed house trespass into the house of the *defacto complainant* and attempted to beat the husband of the *defacto complainant*. When the *defacto complainant* intervened, the 1st accused caught hold of the hand of the *defacto complainant* and slapped her, thereby outraging her modesty. The allegation in Crime No.1355/2014 of Mannarkkad Police Station is that the accused therein caught hold of the neck of the *defacto complainant* and rubbed his face on the wall and they pushed him down and slapped him and his friends.

4. According to the petitioners, both the matters have been amicably settled between the parties. The *defacto complainant* in Crime No.775/2014 has filed an affidavit stating that the matter has been amicably settled between the petitioners in Crl.M.C.777/2015 and her and

presently, she has no complaints against the petitioners. She has entered appearance through her counsel. 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.

5. The injured persons and the *defacto complainant* in Crime No.1355/2014 of Mannarkkad Police Station have also entered appearance and filed separate affidavits affirming that the matter has been amicably settled between them and the petitioners in Crl.M.C.803/2015 and presently, they have no complaints against the petitioners. It has come out that the parties are relatives. It was on trivial matters both the crimes happened to be registered.

6. When the matter has been amicably settled between the parties, it is only just and expedient in the interest of justice to quash all further proceedings in Crime No.775/2014 of Kalladikkode Police Station and Crime No.1355/2014 of Mannarkkad Police Station.

In the result, these CrI.M.Cs. are allowed and all further proceedings in Crime No.775/2014 of Kalladikkode Police Station and Crime No.1355/2014 of Mannarkkad Police Station are hereby quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/18/02

// True Copy //

PA to Judge