

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

Crl.MC.No. 936 of 2015

**CC.NO.939/2013 OF CHIEF JUDICIAL MAGISTRATE COURT (E.O) ERNAKULAM
CRIME NO. 439/2012 OF ERNAKULAM SOUTH POLICE STATION**
.....

PETITIONER(S)/ACCUSED:

**KRISHNA KUMAR, AGED 32 YEARS,
S/O.BALACHANDRAN, ASWATHI HOUSE,
NEAR MAHADEVA TEMPLE, JJR NAGAR,
SASTHAMANGALAM VILLAGE, THIRUVANANTHAPURAM.**

BY ADV. SRI.E.N.HARI

RESPONDENT(S)/STATE/COMPLAINANT/CW2 AND DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI - 31.**
- 2. THE SUB INSPECTOR OF POLICE,
ERNAKULAM TOWN SOUTH POLICE STATION,
ERNAKULAM - 682 013.**
- 3. SREEDEVI THAMPI, AGED 57 YEARS,
W/O.THAMPAN, UTHRADOMVEETIL,
NEAR THOZHUVALKOTTUDEVI TEMPLE, SASTHAMANGALAM,
THIRUVANANTHAPURAM - 695 010.**
- 4. THAMPAN, AGED 64 YEARS, S/O.VELU,
UTHRADOMVEETIL, NEAR THOZHUVALKOTTUDEVI TEMPLE,
SASTHAMANGALAM, THIRUVANANTHAPURAM - 695 010.**

**R1 & R2 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS
R3 & R4 BY ADV. SRI.T.B.GAFOOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
10-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE-A1: TRUE COPY OF FIR IN CRIME NO.439/12 OF ERNAKULAM SOUTH
POLICE STATION, ERNAKULAM.**

**ANNEXURE-A2: TRUE COPY OF FINAL REPORT PENDING AS CC NO.939/13 ON THE
FILE OF ADDITIONAL CJM COURT (E.O), ERNAKULAM.**

**ANNEXURE-A3: ORIGINAL OF THE AFFIDAVIT FILED BY DE-FACTO COMPLAINANT
PENDING COMPOUNDING OF THE CASE.**

ANNEXURE-A3(a): AFFIDAVIT BY THE CW2.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B.KEMAL PASHA, J.

.....
Crl.M.C No. 936 of 2015

.....
Dated this the 10th day of March, 2015.

O R D E R

The accused in C.C No.939/2013 of the Additional Chief Judicial Magistrate's Court (Economic Offences), Ernakulam which has arisen from Crime No.439/2012 of the Ernakulam South Police Station for the offences punishable under Sections 452,341 and 323 IPC, has come up under Section 482 Cr.P.C for getting Annexure A2 final report in the said crime and the consequent proceedings based on it in C.C No.939/2013 quashed.

2. The allegation against the petitioner is that on 26-3-2012 at 9.30 p.m, the petitioner committed house trespass into the house of CWI and when CWI questioned it, the petitioner pushed her down and fisted her. When CW2 intervened for the rescue of CW1, CW2 was also beaten up.

3. According to the petitioner, the matter has been amicably settled between him and CWs 1 and 2 who are respondent Nos. 3 and 4. Respondent Nos. 3 and 4 have entered appearance and filed separate affidavit affirming that the matter has been amicably settled between them and the petitioner.

4. Heard the learned counsel for the petitioner, learned counsel for the respondent Nos. 3 and 4 and learned Public Prosecutor.

5. It seems that the matter has been amicably settled. Matters being so, it is only just and expedient in the interest of justice to quash Annexure A2 final report in Crime No.439/2012 of the Ernakulam South Police Station and consequent proceedings in C.C No.939/2013 of the court below.

In the result, Crl.M.C is allowed.

B.KEMAL PASHA, JUDGE

smm

