

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

Crl.MC.No. 979 of 2015 ()

CRIME NO. 199/2015 OF SAKTHIKULANGARA POLICE STATION, KOLLAM

PETITIONERS :

- 1. CHARLEY JOSEPH, AGED 71 YEARS,
S/O.CHARLEY SEBASTIAN, THOTTATHIL HOUSE,
SAKTHIKULANGARA, KOLLAM.**
- 2. PRACY JOSEPH @ JESSY JOSEPH,
W/O.CHARLEY JOSEPH, THOTTATHIL HOUSE,
SAKTHIKULANGARA, KOLLAM.**

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S**

RESPONDENTS :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI 682 031.**
- 2. USHA ANDREWS, AGED 43 YEARS,
D/O.MARGRATT, KATTUVILA PUTHUVAL VEEDU,
NEAR JOHN BRITTO CHURCH,
SAKTHIKULANGARA KOLLAM 691 006.**

**R1 BY PUBLIC PROSECUTOR SRI. JIBU P. THOMAS
R2 BY ADV. SRI.SERGI JOSEPH THOMAS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1: COPY OF THE FIR IN CRIME NO.199/15 OF SAKTHIKULANGARA
POLICE STATION.

ANNEXURE A2: COPY OF THE STATEMENT GIVEN BY THE SECOND
RESPONDENT BEFORE THE SUB INSPECTOR OF POLICE,
SAKTHIKULANGARA.

ANNEXURE A3: COPY OF THE SECOND RESPONDENT STATING THE
SETTLEMENT OF ALL THE DISPUTES.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

B.KEMAL PASHA, J.

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CRL.M.C. No.979 of 2015

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Dated this the 5th day of March, 2015

ORDER

A1 and A2 in Crime No.199 of 2015 of the Sakthikulangara Police Station registered for the offences under Sections 143, 147, 148, 294(b), 323, 506(ii), 427, 452 and 436 read with Section 149 of the Indian Penal Code, have come up under Section 482 Cr.P.C. for getting Annexure-A1 First Information Report and all further proceedings against the petitioners in Crime No.199 of 2015 of the Sakthikulangara Police Station, quashed.

2. The crime has been registered against the petitioners and 8 other identifiable persons. Presently, offences under Sections 427 and 436 IPC have been deleted and the crime is pending investigation for the

offences under Sections 143, 147, 148, 294(b), 323, 506(ii) and 452 read with Section 149 IPC.

3. The allegation against the petitioners and the other accused is that in order to forcibly evict the defacto complainant, who was retaining the rented premise, the petitioners along with the other accused committed house trespass into the house on 05.02.2015 at 11 a.m. and they smashed and damaged doors, windows and walls of the house and also set ablaze the roof.

4. According to the petitioners, the matter has been amicably settled between them and the defacto complainant and the defacto complainant has no complaints at present against the petitioners.

5. The defacto complainant, who is the 2nd respondent herein, has entered appearance and filed a detailed affidavit affirming that the matter has been amicably settled and presently, she has no complaints against the petitioners. Presently, the offences under Section 436 and 427 have

been deleted from the crime. Parties are relatives.

6. The learned counsel for the 2nd respondent also endorses the fact that the affidavit has been sworn in by the defacto complainant on her own volition. When the matter has been amicably settled between the parties, I am of the view that Annexure-A1 First Information Report and all further proceedings against the petitioners in Crime No.199 of 2015 of the Sakthikulangara Police Station, can be quashed.

In the result, this Crl.M.C. is allowed and Annexure-A1 First Information Report and all further proceedings against the petitioners in Crime No.199 of 2015 of the Sakthikulangara Police Station are hereby quashed.

Sd/-
B. KEMAL PASHA
JUDGE

DSV/5/3/15

// True Copy //

P.A. To Judge

CRL.M.C.No.979 of 2015

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