

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

CrI.MC.No. 1086 of 2015 ()

**AGAINST THE ORDER/JUDGMENT IN CC 505/2014 of JUDL. MAGI. OF FIRST CLASS-III,
KOTTAYAM
CRIME NO. 390/2014 OF KOTTAYAM WEST POLICE STATION , KOTTAYAM**

PETITIONER(S)/ACCUSED 1 & 2:

**1. DANIEL GEORGE, AGED 39 YEARS
S/O.GEORGE, KOCHUVEETIL HOUSE, MARIYATHURUTH.P.O
KOTTAYAM-686017.**

**2. LIJUMON JOSEPH, AGED 34 YEARS
S/O.JOSEPH, THEKKEDATH HOUSE, MALLUSSERY.P.O
KOTTAYAM-686041.**

**BY ADVS.SRI.C.A.CHACKO
SMT.C.M.CHARISMA**

RESPONDENT(S)/COMPLAINANT & DE FACTO COMPLAINANT:

**1. STATE OF KERALA,
REPRESENTING SUB INSPECTOR OF POLICE
KOTTAYAM WEST POLICE STATION
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

**2. THABORA,, AGED 33 YEARS
W/O.SHIBU, KAVALLURKULATHINKARA HOUSE
KUTTIYANIKKADU KARA, KEEZHAR VILLAGE
THIRUVANANTHAPURAM DISTRICT-695001.**

**R1 BY PUBLIC PROSECUTORSHRI.JIBU P. THOMAS
R2 BY ADV. SRI.BENNY VARGHESE (THETTAYIL)**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 02-03-
2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1086 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

- ANNEXURE-A1 :** CERTIFIED COPY OF THE FIR AND FIS DATED 4/3/2014 IN
CRIME NO.390/2014 OF KOTTAYAM WEST POLICE STATION
- ANNEXURE-A2 :** CERTIFIED COPY OF FINAL REPORT DATED 18/3/2014 IN CRIME
NO.390/2014 OF KOTTAYAM WEST POLICE STATION
- ANNEXURE-A3 :** AFFIDAVIT DATED 4/2/2015 OF 2ND RESPONDENT PETITION
FOR STAY.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A. TO JUDGE

STK

B. KEMAL PASHA, J.

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Crl.M.C. No.1086 2015
.....

Dated this the 2nd day of March, 2015

ORDER

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This is a petition filed under Section 482 of the Code of Criminal Procedure.

2. Petitioners are accused Nos.1 and 2 in Crime No.390/2014 of Kottayam West Police Station registered for the offences punishable under Sections 294(b), 506(i), 384 and 468 IPC and Sections 13 and 17 of the Kerala Money Lenders Act.

3. Petitioners have come up with this petition for getting Annexure-A1 FIR and Annexure-A2 final report in Crime No.390/2014 of Kottayam West Police Station as against the petitioners and all further proceedings based on

it in C.C.505/2014 pending before the Judicial First Class Magistrate's Court-III, Kottayam, quashed.

4. The allegation against the petitioners is that on 28.01.2013 they gave ₹3,50,000/- to the de facto complainant, who is the 2nd respondent herein, on interest and in spite of repaying ₹3,15,000/- towards the interest by the de facto complainant, the petitioners went to her house, abused and threatened her, obtained her car and forcibly obtained an agreement and stamp paper from her and continued to harass her.

5. Heard learned counsel for the petitioners, the learned counsel for the defacto complainant, who is the 2nd respondent herein, and learned Public Prosecutor.

6. According to the petitioners, all the matters in dispute between the petitioners and the defacto complainant have been amicably settled and presently, the defacto complainant has no complaints against the petitioners and, therefore, the proceedings against the petitioners may be

quashed.

7. The defacto complainant, who is the 2nd respondent herein, has filed an affidavit affirming that all the matters in dispute between her and the petitioners have been amicably settled and, therefore, she has no complaints against the petitioners and, hence, all further proceedings in the matter referred to above can be quashed. 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.

8. When all the disputes have been settled between the parties and as the defacto complainant has no complaints against the petitioners, 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-A1 FIR and Annexure-A2 final report in Crime No.390/2014 of

Kottayam West Police Station as against the petitioners and all further proceedings based on it in C.C.505/2014 pending before the Judicial First Class Magistrate's Court-III, Kottayam are hereby quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/02/03

// True Copy //

PA to Judge