

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

Crl.MC.No. 1145 of 2015

CC 325/2014 OF SESSIONS COURT, THALASSERY

PETITIONER(S)/INJURED 1 TO 2 AND ACCUSED:

- 1. VEMPIRINHAN BABU, AGED 32 YEARS, S/O.KUMARAN, RESIDING AT CHEKUTHANKUZHI, RAMANTHALI AMSOM, KANNUR DISTRICT.**
- 2. PAITHALACHI SEELAVATHI, D/O.GOPALAN, AGED 44 YEARS RESIDING AT CHEKUTHANKUZHI, RAMANTHALI AMSOM KANNUR DISTRICT.**
- 3. FEROOK, S/O.MUHAMMED KUNJI, AGED 35 YEARS CHEMBETH MADATHIL, THAZHATHU, RAMANTHALI AMSOM KANNUR DISTRICT.**

BY ADV. SRI.T.V.JAYAKUMAR NAMBOODIRI

RESPONDENT(S)/DE FACTO COMPLAINANTS:

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS

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

PJ

Crl.MC.No. 1145 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNX I- TRUE COPY OF THE FINAL REPORT IN CRIME NO.531/2003 OF
PAYYANUR POLICE STATION**

ANNX II- TRUE COPY OF THE AFFIDAVIT BY PETITIONERS 1 AND 2

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B.KEMAL PASHA, J.

=====

Crl.M.C. No. 1145 of 2015

=====

Dated this the 3rd day of March, 2015

O R D E R

The injured CWs. 1 and 2 along with the accused in S.C.No.325/2014 of the Sessions Court, Thalassery, which has arisen from Crime No.531/2003 of the Payyanur Police Station, for the offences punishable under Sections 323, 355, 354 and 452 read with Section 34 Indian Penal Code and Sections 3(1)(x) and (xi) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, have come up for getting Annexure-I Final Report and all proceedings based on it in S.C.No.325/2014 in Crime No.531/2003 of the Payyanur Police Station, quashed.

2. Petitioner was originally the 2nd accused. The case against the 1st accused was tried earlier as S.C.No.47/2005 and he was acquitted on 14.03.2007.

3. The prosecution case is that the accused, who are not members of the Scheduled Caste and Scheduled Tribe, committed

house trespass into the house of the de facto complainant belongs to a Scheduled Caste, at 7 p.m. on 30.08.2003 and uttered the cast name of CW1 and thereafter, slapped him and stamped him. When CW2 woman intervened for the rescue of CW1, the accused caught on her hands, thereby outraging her modesty. They were allegedly dishonoured deliberately.

4. According to the petitioners, the matter has been amicably settled among the petitioners and presently, CWs. 1 and 2 have no complaints against the 3rd petitioner, who is the accused. Petitioners 1 and 2, who are CWs.1 and 2 have filed an affidavit affirming that the matter has been amicably settled and they have no complaints against the 3rd petitioner. It has to be noted that the 1st accused was already acquitted in the case. Thereafter, the matter has been amicably settled between the 2nd accused, who is the 3rd petitioner herein and CWs.1 and 2. When the matter has been amicably settled between the parties and especially when the 1st

accused has already been acquitted, there is no meaning in proceeding with the matter further. Matters being so, Annexure-I Final Report and all further proceedings based on it in S.C.No.325/2014 of the Sessions Court, Thalassery, which has arisen from Crime No.531/2003 of the Payyanur Police Station can be quashed.

In the result, Annexure-I Final Report in Crime No.531/2003 of the Payyanur Police Station and all proceedings based on it in S.C.No.325/2014 pending before the Sessions Court, Thalassery, are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

stu