

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 16TH DAY OF MARCH 2015/25TH PHALGUNA, 1936

Crl.MC.No. 1514 of 2015 ()

CC.NO. 467/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,NEDUMANGADU

**CRIME NO. 874/2013 OF ARYANADU POLICE STATION ,
THIRUVANANTHAPURAM DISTRICT**

PETITIONERS/ACCUSED (A1 & A2):

- 1. SANTHOSHKUMAR, AGED 39 YEARS,
S/O.THANKAPPAN NADAR, NANDU BHAVAN,
CHOOZHA KADUKODU,
PAZHAYATHERUVU MURIYIL, ARYANAD VILLAGE,
TRIVANDRUM DISTRICT.**
- 2. SANDEEP @ PRASANTH,AGED 22 YEARS,
S/O.SAHAYADAS, PRASANTH BHAVAN, CHOOZHA KADUKODU,
PAZHAYATHERUVU MURIYIL, ARYANAD VILLAGE,
TRIVANDRUM DISTRICT.**

BY ADV. SRI.R.T.PRADEEP

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. ANITHA, AGED 44 YEARS,
D/O.GOMATHI, THADATHARIKATHU VEETIL,
KADUKODU, PAZHAYATHERUVU MURIYIL,
ARYANAD VILLAGE, PIN - 695 542.**
- 3. KRISHNANKUTTY, AGED 50 YEARS,
S/O.THANKAPPAN NADAR, THADATHARIKATHU VEETIL,
KADUKODU, PAZHAYATHERUVU MURIYIL, ARYANAD VILLAGE,
PIN - 695 542.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS
R2 & R3 BY ADV. SRI.SREEKANTH S.NAIR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 16-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 1514 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEX 1: TRUE COPY OF FINAL REPORT DATED 08/04/2013 IN CRIME NO. 874/2013 OF ARYANADU POLICE STATION ON THE FILE OF JFMC-I, NEDUMANGADU.

ANNEX II: TRUE COPY OF AFFIDAVIT SWORN BY RESPONDENT NO. 2 DATED 07/03/2015 EVINCING HER DESIRE TO QUASH THE CRIMINAL PROCEEDINGS IN THE WAKE OF COMPROMISE.

ANNEX III: TRUE COPY OF AFFIDAVIT SWORN BY RESPONDENT NO. 3 DATED 07/03/2015 EVINCING HER DESIRE TO QUASH THE CRIMINAL PROCEEDINGS IN THE WAKE OF COMPROMISE.

RESPONDENT(S)' ANNEXURES: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

B. KEMAL PASHA, J.

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Crl.M.C. No.1514 2015
.....

Dated this the 16th day of March, 2015

ORDER

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The accused in C.C.467/2014 of the Judicial First Class Magistrate's Court-I, Nedumangadu, which has arisen from Crime No.874/2013 of Aryanadu Police Station, presently pending for the offences under Sections 294(b), 447, 324 and 325 read with Section 34 IPC, have come up under Section 482 Cr.P.C. for getting Annexure-I final report and the consequent proceedings in C.C.467/2014 in Crime No.874/2013 quashed.

2. The prosecution case is that on 20.10.2013 at 8.30 p.m. the petitioners abused CW1 and CW2, who are respondents 2 and 3 herein, and the 1st petitioner inflicted a cut on the forehead of CW2 with a chopper, thereby causing

an injury and inflicted a cut with the chopper on the head of CW1, who is the wife of CW2, thereby causing an injury. It is alleged that the 2nd petitioner fisted on the lips of CW1, whereby she lost her left lower incisor tooth. According to the petitioners, the matter has been amicably settled between them and CW1 and CW2 and presently, CW1 and CW2 have no complaints against the petitioners.

3. CW1 and CW2 are the only injured persons in the case and they have entered appearance and filed separate affidavits affirming that the matter has been amicably settled between them and the petitioners and presently, they have no complaints against the petitioners.

4. It seems that all the offences, except the one under Section 294(b) IPC, are compoundable under Section 320 Cr.P.C. The parties are neighbours. When the matter has been amicably settled between them, I am of the view that the matter involved can be quashed as prayed for.

In the result, this CrI.M.C. is allowed and Annexure-A1

final report in Crime No.874/2013 of Aryanad Police Station as against the petitioners and all further proceedings based on it in C.C.467/2014 pending before the Judicial First Class Magistrate's Court-I, Nedumangadu are hereby quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/16/03

// True Copy //

PA to Judge