

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

Cr1.MC.No. 1605 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN CC 442/2012 of J.M.F.C.-II, ATTINGAL
CRIME NO. 855/2011 OF KILIMANOOR POLICE STATION, THIRUVANANDAPURAM

PETITIONERS/ACCUSED:

1. SAJIN AGED 28 YEARS
S/O SAHADEVAN, S.S.NIVAS, AROOR
PONGANAD, KILIMANOOR VILLAGE
THIRUVANANTHAPURAM DISTRICT.
2. ANEES AGED 28 YEARS
S/O SATHYAN, KALLUVEETTAMKUZHI HOUSE, PONGANAD
KILIMANOOR VILLAGE, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031
2. SUB INSPECTOR OF POLICE
KILIMANOOR POLICE STATION
THIRUVANANTHAPURAM-695601.
3. SURAJ, AGED 26 YEARS
S/O RAJAN, ANURAJ VILASAM
NEAR ASUVILA VETERINARY HOSPITAL, AROOR DESOM
KILIMANOOR VILLAGE
THIRUVANANTHAURAM DISTRICT-695601.
4. VALSALA, AGED 52 YEARS
D/O THANKAMA, ANURAJ VILASAM
NEAR ASUVILA VETERINARY HOSPITAL, AROOR DESOM
KILIMANOOR VILLAGE
THIRUVANANTHAPURAM DISTRICT-695601.
5. RAJAN, AGED 56 YEARS
ANURAJ VILASAM, NEAR ASUVILA VETERINARY HOSPITAL
AROOR DESOM, KILIMANOOR VILLAGE
THIRUVANANTHAPURAM DISTRICT-695601.

JIBU P. THOMAS, PUBLIC PROSECUTOR
R3-5 BY ADV. SRI.R.ARUN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
08-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

RKC

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APPENDIX

PETITIONERS' EXHIBITS

ANNEXURE A1: TRUE COPY OF THE FIR IN CRIME NO.855 OF 2011 OF
KILIMANOOR POLICE STATION.

ANNEXURE A2: TRUE COPY OF THE FINAL REPORT IN ANNEXURE A1.

ANNEXURE A3: COPY OF THE AFFIDAVIT OF THE 3RD RESPONDENT.

ANNEXURE A4: COPY OF THE AFFIDAVIT OF THE 4TH RESPONDENT.

ANNEXURE A5: COPY OF THE AFFIDAVIT OF THE 5TH RESPONDENT.

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

PA TO JUDGE

B.KEMAL PASHA, J.

Crl.M.C.No.1605 of 2015

Dated this the 8th day of April, 2015

ORDER

The accused in C.C.No.442 of 2012 of the Judicial First Class Magistrate's Court II, Attingal, which has arisen from Crime No.855 of 2011 of the Kilimanoor Police Station registered for the offences under sections 447, 323, 294(b), 354 r/w 34 of IPC, have come up under section 482 Cr.P.C, for getting all the proceedings in C.C.No.442 of 2012 of the Judicial First Class Magistrate's Court II, Attingal which has arisen from the said crime, quashed.

2. The prosecution case is that on 21.8.2011 at 9p.m. the petitioners trespassed into the courtyard of the house of the *de facto complainant* who is the third respondent herein and beat the *defacto complainant*. When his parents intervened for his rescue, they were also beaten up, thereby the modesty of the fourth respondent herein was outraged. According to the petitioners, the matter has been allegedly settled between the parties and presently respondents 3 to 5 have filed separate affidavits affirming that the matter has been amicably settled between them and therefore they have no complaints at present against the petitioners.

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3. Heard the learned counsel for the petitioners and the learned counsel for respondents 3 to 5 and the learned Public Prosecutor.

4. When the matter has been amicably settled between the parties, there is no meaning in proceeding with the matter further. Considering the facts and circumstances of the case and the settlement arrived at between the parties, I am of the view that all the proceedings in C.C.No.442 of 2015 of the Judicial First Class Magistrate's Court II, Attingal which has arisen from Crime No.855 of 2011 of the Kilimanoor Police Station can be quashed.

In the result, this Crl.M.C.is allowed. All the proceedings in C.C.No.442 of 2015 of the Judicial First Class Magistrate's Court II, Attingal which has arisen from Crime No.855 of 2011 of the Kilimanoor Police Station are quashed.

Sd/-
B.KEMAL PASHA,
JUDGE.

rkc.