

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

Crl.MC.No. 2477 of 2015

**CC 479/1999 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, CHANGANACHERRY.
CRIME NO.421/1998 OF CHINGAVANAM POLICE STATION.**
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PETITIONER(S)/ACCUSED:

- 1. RAJEEV, AGED 40 YEARS, S/O.RAJU,
RESIDING AT MULLASSERY THAZHE VEEDU,
CHETHIPPUZHA VILLAGE,
CHANGANACHERRY TALUK, KOTTAYAM DISTRICT.**
- 2. MOHANAN @ KOCHU, AGED 44 YEARS,
S/O.BHASKARAN, RESIDING AT PUTHUPARAMBIL VEEDU,
CHETHIPPUZHA VILLAGE, CHANGANACHERRY TALUK,
KOTTAYAM DISTRICT.**

BY ADV. SRI.V.SETHUNATH

RESPONDENT(S)/COMPLAINANT/DE-FACTO COMPLAINANT/STATE:

- 1. PRATHAPA CHANDRAN, AGED 56 YEARS,
S/O.KARUNAKARAN, SASIMANDIRAM,
ITHITHANAM MURI & KURICHI VILLAGE,
CHANGANACHERRY TALUK, KOTTAYAM DISTRICT.
(CW1-DE-FACTO COMPLAINANT) - 686 001.**
- 2. THE SUB INSPECTOR OF POLICE,
CHINGAVANAM POLICE STATION,
KOTTAYAM DISTRICT - 686 001.**
- 3. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

**R1 BY ADV. SRI.K.HARIKUMAR
R2 & R3 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 28-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE 1 : THE TRUE COPY OF THE FINAL REPORT IN ANNEXURE 1 IN
CRIME NO.421/1998 OF CHINGAVANAM POLICE STATION, ON
THE FILE OF THE JFMC, CHANGANACHERRY(C.C.NO.479/1999)
NOW PENDING AS L.P.NO.159/2001.

ANNEXURE 2 : TRUE COPY OF THE NOTARIZED AFFIDAVIT FILED BY THE
1ST RESPONDENT.

RESPONDENT'S ANNEXURES: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

ALEXANDER THOMAS, J.

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Crl.M.C.No. 2477 of 2015

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Dated this the 28th day of June, 2015

ORDER

The petitioners herein are the accused in Crime No.421/1998 of Chingavanam Police Station, alleging offences punishable under Secs.447, 324 read with Sec.34 of the I.P.C. The Police, after investigation as submitted Anx.1 final report/charge sheet in the above said Crime No.421/1998, which led to the institution of Calendar Case, C.C.No.479/1999 on the file of the Judicial First Class Magistrate's Court, Changanacherry. Since the petitioners were not available for trial, the case against them was included in the long pending case list as L.P.No.159/2001 on the file of the Judicial First Class Magistrate's Court, Changanacherry. The 2nd respondent is the defacto complainant. The prosecution case is that the accused persons trespassed into the courtyard of the defacto complainant on 26.12.1998 at 11.30 p.m. and attacked him with weapons and thereby committed the above offences. It is stated that now the petitioners and the defacto complainant have settled their

disputes amicably and that the 2nd respondent has filed Anx.2 affidavit stating that he has no further grievances against the petitioners and that he has no objection in the quashment of the impugned criminal proceedings against the petitioners. The petitioners have also filed an affidavit dated 25.5.2015, wherein it is stated that the defacto complainant (R-1) herein and another person by name, Sri.Raveendran, were accused in Crime No.422/1998 of Chingavanam Police Station, which was a counter case in the matter, and initiated at the behest of the 2nd petitioner herein as defacto complainant therein. The said latter Crime No.422/1998 of Chingavanam Police Station was charge-sheeted, which led to C.C.No. 338/1999 on the file of the above said Magistrate's Court at Changanacherry and accused therein were acquitted by the said Magistrate's court. It is in the light of the above facts and circumstances that the petitioners have preferred the instant Criminal Miscellaneous Case with the prayer to quash the impugned criminal proceedings.

2. On a consideration of the facts and circumstances of this case and Anx.2 affidavit filed by the defacto complainant stating that he has no further grievances against the petitioners and that he

has no objection in the quashment of the impugned criminal proceedings against the petitioners, this Court is of the considered opinion that the prayer for quashment of the impugned criminal proceedings could be considered in the light of the legal principles laid down by the Apex Court and by this Court on the subject. Accordingly, it is ordered in the interest of justice that the impugned Anx.1 final report/charge sheet filed in Crime No.421/1998 of Chingavanam Police Station, which has led to the institution of L.P.No.159/2001 (arising out of C.C.No.479/1999) on the file of the Judicial First Class Magistrate's Court, Changanacherry and all further proceedings arising therefrom pending against the petitioners stand quashed.

The Crl.M.C. stands finally disposed of.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge