

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

Crl.MC.No. 2487 of 2015

CRIME NO. 680/2011 OF NEDUMBASSERY POLICE STATION, ERNAKULAM
.....

PETITIONER(S)/ACCUSED 1 & 2:

- 1. MUHAMMED, AGED 42 YEARS,
S/O.IBRAHIMKUTTY, NADAKKAPARAMBIL HOUSE, PURAYAR,
CHENGAMANAD VILLAGE, ALWAYE TALUK.**
- 2. RAJSHA, AGED 29 YEARS,
S/O.MR.ABU, NADAKKAPARAMBIL, RAJ BHAVAN,
CHOWARA PO, ALWAYE.**

**BY ADVS.SRI.BABU CHERUKARA
SRI.P.A.NIZAR**

RESPONDENT(S)/DEFACTO COMPLAINANTS:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, AT ERNAKULAM, COCHIN - 682 031.**
- 2. SUB INSPECTOR OF POLICE,
NEDUMBASSERY POLICE STATION, NEDUMBASSERY,
PIN - 683 585.**
- 3. ABDUL LATHEEF, AGED ABOUT 35 YEARS,
S/O.MR.MOOSAKUNJU, VELUTHEDATHU HOUSE, GANDHIPURAM,
PURAYAR, DESOM P.O., PIN 683 103,
CHENGAMANADU VILLAGE, ALWAYE TALUK.**
- 4. SUHARA, AGED ABOUT 25 YEARS,
W/O.ABDUL LATHEEF, VELUTHEDATHU HOUSE, GANDHIPURAM,
PURAYAR, DESOM P.O., PIN - 683 103.
CHENGMANADU VILLAGE, ALWAYE TALUK.**

**R1 & R2 BY PUBLIC PROSECUTOR SMT.S.HYMA
R3 & R4 BY ADV. SRI.P.A.SALIM**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
26-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 2487 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1:TRUE COPY OF THE AWARD IN CC.NO.260/2012 OF JFCM II, ALUVA
DATED 06.12.2014.**

**ANNEXURE A2:CERTIFIED COPY OF THE FIR IN CRIME NO.680/2011 OF JUDICIAL
FIRST CLASS MAGISTRATE COURT II, ALUVA, DATED 09.08.2011**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ALEXANDER THOMAS, J.

Crl.M.C.No.2487 Of 2015

Dated this the 26th day of May, 2015.

ORDER

The prayer in this Crl.M.C is for quashment of the impugned proceedings in Annexure-A2 FIR in Crime No.680/2011 of Nedumbassery Air Port Police Station, Ernakulam District alleging offences under Secs. 341, 323, 354 r/w 34 IPC. The allegation is that the petitioners jointly committed the offences by holding the hair of the 4th respondent herein and pressed her at her neck by the 1st petitioner and 2nd petitioner hit with his hands at the back of the 4th respondent and the 3rd respondent who was trying to prevent the attack of the petitioners was attacked by the petitioners beating him by hands and thus caused physical pain and defame to the 4th respondent on 8.8.2011 by about 7:30 p.m. at the residence of the 4th respondent.

2. The petitioners and the contesting respondents are close relatives. Due to the disputes between the parties, Crime No.679/2011 was registered in the same Police station (Nedumbassery Air Port Police Station) for offences under Secs.323 & 341 IPC, in which the defacto complainants in the present Crl.M.C are the accused. The latter

Crl.M.C.No.2487 Of 2015

mentioned Crime No.679/2011 is said to be initiated at the behest of the petitioners herein. The parties settled their disputes through alternate dispute resolution process of the Lok Adalat. Thereby, the latter Crime No.679/2011, in which the petitioners herein were charge sheeted which led to the pendency of C.C.No.260/2012 on the file of the Judicial First Class Magistrate Court-II, Aluva, was settled. Due to the settlement arrived at between the parties in the Lok Adalat it was agreed that the matter in Crime No.679/2011 which led to the pendency of C.C.No.260/2012 will be compounded on condition that the instant impugned criminal proceedings in Crime No.680/2011 will be terminated through due process. Accordingly, Lok Adalat passed Annexure-A1 award whereby it was held that the latter Crime No.679/2011 (in which the petitioners herein are the defacto complainants) which gave rise to C.C.No.260/2012 on the file of the Judicial First Class Magistrate Court-II, Aluva will be compounded on condition that the instant Crime No.680/2011 will be settled. It is in view of Annexure-A1 Lok Adalat settlement that the petitioners had filed the instant Crl.M.C with the prayer for quashment of the impugned criminal proceedings in the instant Crime No.680/2011 of Nedumbassery Air Port Police Station.

Crl.M.C.No.2487 Of 2015

3. The contesting respondents 3 & 4 have sworn to separate affidavits stating the above said facts and stating that the parties are close relatives that the 1st petitioner is the brother-in-law of contesting respondent No.3 and 2nd petitioner is the son of the sister of his mother. Contesting 4th respondent herein is the wife of contesting respondent No.3. Both contesting respondents 3 & 4 have sworn to affidavits before this Court stating about the aforementioned settlement in relation to the criminal cases involved between the parties and that they have no objection in allowing the prayer in the present Crl.M.C.

4. Heard Sri.Babu Cherukara, learned counsel appearing for the petitioners, Sri.P.A.Salim, learned counsel appearing for contesting respondents 3 & 4 and the learned Public Prosecutor appearing for respondents 1 & 2.

5. Learned advocates appearing for the petitioner and contesting respondents 3 & 4 submitted that the prayer for quashment may be allowed in the interest of justice in the light of Annexure-A1 award passed by the Lok Adalat.

6. The learned Public Prosecutor submitted that this Court may consider the prayer for quashing the impugned criminal proceedings in the light of the legal principles laid down in this regard.

Crl.M.C.No.2487 Of 2015

7. On an assessment of the totality of the facts and circumstances it is to be noted that both parties have arrived at a settlement as per Annexure-A1 Lok Adalat award. The petitioners herein had earlier agreed for compounding the case in C.C.No.260/2012 on the file of the Judicial First Class Magistrate Court-II, Aluva which arises from Crime No.679/2011 against contesting respondents 3 & 4 herein. In view of the above said settlement, it is ordered in the interest of justice that the impugned Annexure-A2 FIR in Crime No.680/2011 of Nedumbassery Air Port Police Station and all further proceedings arising therefrom stand quashed. The petitioners shall produce a certified copy of this order before the Station House Officer concerned as well as before the court below concerned.

With these observations and directions, this Crl.M.C stands finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-