

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

Crl.MC.No. 2573 of 2015 ()

CRIME NO. 418/2015 OF PONKUNNAM POLICE STATION,KOTTAYAM DISTRICT

PETITIONER/ACCUSED :

**E.R.ANILKUMAR, AGED 39 YEARS,
S/O.RAGHAVAN, EATTACKAL HOUSE,
CHIRAKADAVU CENTRE P.O.,
PONKUNNAM, KOTTAYAM DISTRICT.**

**BY ADVS.SRI.JOY GEORGE
SRI.C.X.ANTONY BENEDICT
SMT.TANYA JOY**

RESPONDENT(S)/COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031**
- 2. THE SUB INSPECTOR OF POLICE,
PONKUNNAM POLICE STATION,
KOTTAYAM DISTRICT-686 001**
- 3. SANTHOSH, AGED 36 YEARS,
SO.RAJAPPAN CHETTIYAR, NAZHOORYMATTATHIL HOUSE,
SOUTH PAMPADY, PAMPADY, KOTTAYAM-686 001**

**R1 & R2 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE
R3 BY PUBLIC PROSECUTOR SRI.R.PARTHASARATHI**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 09-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 2573 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A1: THE PHOTOCOPY OF THE STATEMENT OF THE DE FACTO
COMPLAINANT/3RD RESPONDENT**

ANNEX A2: THE CERTIFIED COPY OF THE FIR IN CRIME NO.418/2015

ANNEX A3: THE PHOTOCOPY OF THE AGREEMENT

**ANNEX A4: THE ORIGINAL OF THE COMPROMISE SIGNED BEFORE THE NOTARY
PUBLIC BY THE PETITIONER AND THE 3RD RESPONDENT**

RESPONDENT(S)' ANNEXURES: NIL

/TRUE COPY/

P.A.TO JUDGE

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ALEXANDER THOMAS, J.

Crl.M.C.No.2573 Of 2015

Dated this the 9th day of June, 2015.

O R D E R

The petitioner is the sole accused in the impugned Annexure-A2 FIR in Crime No.418/2015 of Ponkunnam Police Station registered for offences under Secs. 341, 294(b), 323 and 427 r/w Sec. 506(iii) IPC. The gist of the prosecution allegation is that on 9.4.2015 at about 11:30 p.m., the petitioner/accused in his car bearing No.KL.38-D-1847 had followed the lorry bearing Reg.No.KL.13-B-5315 driven by the de facto complainant, who transported the elephant from Chirakkadavu Mahadeva Temple to Vazhappilly and restrained the lorry under the impression that the de facto complainant was stolen the elephant at night and it is alleged that the accused assaulted the de facto complainant and caused damages to the vehicle. It is stated by the defacto complainant in Annexure-A1 statement itself that the said act was done by the petitioner under the impression that the elephant was illegally transported by him without the knowledge of the temple authorities. The said suspicion occurred since the

elephant was fastened with chain for many days in the place without food and water which was widely reported in the newspapers. It is the common ground that the offences alleged are bailable and that except for the offence under Sec. 294(b) all the other offences are also compoundable offences. Now it is submitted that the 3rd respondent-de facto complainant has settled the matter with the petitioner and has sworn to Annexure-A4 compromise petition stating that the entire matter has been settled and he is not interested to continue the prosecution proceedings any further and that the impugned criminal proceedings against the petitioner may be terminated etc.

2. Heard, Sri.Joy George and Sri.C.X.Antony Benedict, learned counsel appearing for the petitioner, Sri.R.Parthasarathy learned counsel appearing for contesting respondent No.3 and learned Public Prosecutor appearing for respondents 1 & 2.

3. The learned counsel for the petitioner reiterated the submissions and contentions urged in the Crl.M.C. Sri.R.Parthasarathy, learned counsel appearing for contesting respondent No.3 on instruction from the 3rd respondent

submitted that the entire disputes between the petitioner and the 3rd respondent arose out of misapprehensions and misunderstandings as above stated and that they had settled all the issues and that a joint compromise petition has been signed by both these parties as evidenced from Annexure A4 and Annexure A3 agreement and that the 3rd respondent has no objection also for quashment of impugned criminal proceedings now pending against the petitioner.

4. Having regard to the totality of the facts and circumstances of the case and on a perusal of the petition and careful scrutiny of the Annexure A3 agreement and Annexure A4 compromise petition entered into by the contesting respondent No.3 with the petitioner and after hearing the learned counsel appearing for the 3rd respondent and the learned Public Prosecutor, this Court is of the considered opinion that the prayer for quashment could be considered in this case in the light of the said settlement.

5. Accordingly it is ordered that the impugned Annexure A2 FIR in Crime No.418/2015 of Ponkunnam Police Station pending against the petitioner and all further proceedings arising

therefrom are quashed.

Accordingly the Crl.M.C. stands finally disposed of.

Sd/- ALEXANDER THOMAS,
JUDGE

bkn/MJL