

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937

Crl.MC.No. 2609 of 2015 ()

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CC.NO. 2558/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -I,KOZHIKODE
CRIME NO. 85/2011 OF BADIADKA POLICE STATION , KASARGOD DISTRICT
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PETITIONER(S)/ACCUSED 1 AND 2:

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- 1. SHRAVANA.P, S/O.MADHAVA BHAT, AGED 48 YEARS,
PILINGALLU HOUSE, P.O.KATUKUKKE,
KASARAGOD DISTRICT.**
 - 2. VISHALA P., W/O.SHRAVANA.P,AGED 36 YEARS,
PILINGALLU HOUSE, P.O.KATUKUKKE,
KASARAGOD DISTRICT.**

BY ADV. SRI.V.T.MADHAVANUNNI

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT:

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- 1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM
THROUGH S.H.O., BADIADKA POLICE STATION,
KASARAGOD DISTRICT.**
 - 2. JAGADEESHA RAI, S/O.LATE AITHAPPA RAI, AGED 51 YEARS,
LAXMI KRIPA, PUTHIGE P.O., PUTHIGE VILLAGE,
KASARAGOD TALUK, KASARAGOD DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SMT.S.HYMA
R2 BY ADV.SRI.V.A.SATHISH**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 12-05-2015 , THE COURT ON 22-05-2015 PASSED THE FOLLOWING:**

sts

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APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX-A1. TRUE COPY OF THE COMPLAINANT AND FIR IN CRIME NO.85/2011 OF
BADIADKA POLICE STATION.**

**ANNEX-A2. TRUE COPY OF THE FINAL REPORT SUBMITTED BY THE POLICE
BEFORE THE JFMC COURT NO.I, KASARAGOD IN CRIME NO.85/2011
OF BADIADKA POLICE STATION.**

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

ALEXANDER THOMAS, J.

Crl.M.C.No.2609 Of 2015

Dated this the 22nd day of May, 2015.

ORDER

The petitioners herein are the accused Nos.1 & 2 in impugned Annexure-A2 Final Report/Charge Sheet filed in Annexure-A1 FIR in Crime No.85/2011 of Badiadka Police Station registered for offence punishable under Sec. 420 r/w Sec. 34 IPC. The case was registered on the basis of a private complaint forwarded by the learned Magistrate concerned to the police for investigation under Sec. 156(3) Cr.P.C. The police after investigation submitted the impugned Annexure-A2 Final Report/Charge Sheet in impugned Annexure-A1 FIR in Crime No.85/2011 of Badiadka Police Station which has led to the pendency of C.C.No.2558/2013 on the file of the Judicial First Class Magistrate Court-I, Kasaragod.

2. It is submitted by the petitioner and 2nd respondent that the entire dispute between the petitioner and 2nd respondent have been amicably settled as evident from the affidavit filed by the 2nd respondent produced along with the Crl.M.C. It is further submitted by them that

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the main offence is only under Sec. 420 IPC which is compoundable in terms of the provisions of Code of Criminal Procedure and this Court may in the interest of justice quash the impugned criminal proceedings.

3. Heard Sri.V.T.Madhavanunny, learned counsel for the petitioners, Sri.V.A.Satheesan, learned counsel appearing for the 2nd respondent and the learned Public Prosecutor appearing for the 1st respondent-State.

4. The petitioners and contesting respondent submitted that this Court may quash the impugned criminal proceedings in view of the settlement and in view of the fact that the offence is only under Sec. 420 IPC.

5. Learned Public Prosecutor submits that this Court may consider the prayer for quashment of the impugned criminal proceedings in view of the legal principles laid down by the Apex Court on those aspects of the matter.

6. Having given anxious consideration of the facts and circumstances, it is ordered in the interest of justice that the impugned criminal proceedings in the impugned Annexure-A2 Final Report/Charge Sheet filed in the impugned Annexure-A1 FIR in Crime No.85/2011 of Badiadka Police Station, which has led to the pendency

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of C.C.No.2558/2013 on the file of the Judicial First Class Magistrate Court-I, Kasaragod 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/-