

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937

Crl.MC.No. 2663 of 2015 ()

CRIME NO. 163/2010 OF SASTHAMCOTTA POLICE STATION,KOLLAM DISTRICT

PETITIONER(S)/ACCUSED A1 TO 5:

1. ANANTHU, AGED 26 YEARS,
S/O.RAVEENDRAN PILLAI, KUZHIVILA KIZHEKKETHIL,
SOUTH OF KALLUKADAVU, MYNAGAPPALLY SOUTH MURI,
MYNAGAPPALLY VILLAGE, KUNNATHOOR TALUK,
KOLLAM DISTRICT.
2. NIYAS, AGED 28 YEARS, S/O.HANEEFA,
NILAMATHU HOUSE, MYNAGAPPALLY SOUTH MURI,
MYNAGAPPALLY VILLAGE, KUNNATHOOR TALUK,
KOLLAM DISTRICT.
3. SHAMNAD, AGED 31 YEARS, S/O.SHAJI,
KAVINTE THEKKETHIL, MYNAGAPPALLY SOUTH MURI,
MYNAGAPPALLY VILLAGE, KUNNATHOOR TALUK,
KOLLAM DISTRICT.
4. NIZAM, AGED 27 YEARS, S/O.NAZARUDEEN,
KAVINTE THEKKETHIL, THYKKAVU MUKKU,
MYNAGAPPALLY SOUTH MURI, MYNAGAPPALLY VILLAGE,
KUNNATHOOR TALUK, KOLLAM DISTRICT.
5. ANWAR, AGED 27 YEARS, S/O.RASHEED,
KUTTIYIL VEEDU, MYNAGAPPALLY SOUTH MURI,
MYNAGAPPALLY VILLAGE, KOLLAM DISTRICT.

BY ADV. SRI.P.V.DILEEP

RESPONDENT(S)/COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. SIBIN, AGED 24 YEARS,
S/O.MATHEW, THOTTARUVILA PUTHEN VEEDU,
THEKKAN MYNAGAPPALLY MURI, MYNAGAPPALLY VILLAGE,
KUNNATHOOR TALUK, KOLLAM DISTRICT.

R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

R2 BY ADV. SRI.K.V.ANIL KUMAR

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 27-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A: A TRUE COPY OF FINAL REPORT IN CRIME NO.163/2010 OF
 SASTHAMCOTTA POLICE STATION IN KOLLAM DISTRICT**

ANNEX B: NOTARIZED AFFIDAVIT FILED OF THE 2ND RESPONDENT

RESPONDENT(S)' ANNEXURES: **NIL**

/TRUE COPY/

P.A.TO JUDGE

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ALEXANDER THOMAS, J.

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Dated this the 27th day of May, 2015.

ORDER

The petitioners herein are the accused Nos.1 to 5 in Crime No.163/2010 of Sasthamcotta Police Station registered for offences under Secs.143, 147, 148, 294(b) & 323 r/w 149 IPC. The prosecution allegation is that on 8.2.2010 at about 9:15 p.m. the accused persons 1 to 5 in the crime unlawfully assembled together and the 1st petitioner used abusive words and assaulted with hands causing abrasion on the left cheek of the 2nd respondent and others assaulted him causing pain on the body and thus committed the offences. The police after investigation submitted impugned Annexure-A Final Report/Charge Sheet in the said crime which has led to the pendency of C.C.No.50/2015 on the file of the Judicial First Class Magistrate Court (Temporary), Sasthamcotta. It is submitted that the matters between the petitioners and the 2nd respondent-defacto complainant have been resolved to the satisfaction of both sides as evident from Annexure-B affidavit sworn to by the 2nd respondent which has been produced in

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this case. It is in the light of these aspects the prayer for quashment of the impugned criminal proceedings has been made in this Crl.M.C.

2. Heard Sri.P.V.Dileep, learned counsel for the petitioners, Sri.K.V.Anilkumar, learned counsel for the 2nd respondent and the learned Public Prosecutor appearing for the 1st respondent-State.

3. The petitioners and 2nd respondent has submitted that the prayer for quashment of the impugned criminal proceedings may be allowed as the disputes have been resolved and as the offences are not very serious in nature.

4. 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.

5. Having considered the submissions made on either side, this Court is of the considered view that the prayer for quashment could be granted in the light of the above said settlement. In this view of the matter it is ordered in the interest of justice that the impugned Annexure-A Final Report/Charge Sheet in Crime No.163/2010 of Sasthamcotta Police Station which has led to the pendency of C.C.No.50/2015 on the file of the Judicial First Class Magistrate Court (Temporary), Sasthamcotta and all further proceedings arising

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therefrom against the petitioner shall stand quashed. The petitioner shall produce a certified copy of this order before the Station House Officer concerned as well as before the court below concerned.

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

ALEXANDER THOMAS,
Judge.

bkn/-