

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. 2688 of 2015 ()

CRIME NO. 304/2015 OF ALUVA WEST POLICE STATION.

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PETITIONER/ACCUSED:

**MANOJ FRANCIS, AGED 39 YEARS,
S/O.FRANCIS, KOOTTALA HOUSE, THIRUVALOOR KARA,
ALANGAD P.O., ALANGAD VILLAGE.**

BY ADV. SRI.JAISON JOSEPH.

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING THE SUB INSPECTOR OF POLICE,
ALUVA WEST POLICE STATION.**
- 2. SHIBU DEVIS, AGED 35 YEARS,
S/O.DEVASSY, KANDATHIL HOUSE, ALANGAD P.O.,
ALANGAD VILLAGE, PARVOOR TALUK-683 511.**

**R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB.
R2 BY ADV. SRI.P.S.APPU.**

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

rs.

APPENDIX

PETITIONERS' ANNEXURES:

- ANNEXURE-A1. CERTIFIED COPY OF THE FIR IN CRIME NO.304/2015 OF ALUVA WEST POLICE STATION.**
- ANNEXURE-A2. CERTIFIED COPY OF THE F.I. STATEMENT IN CRIME NO.304/2015 OF ALUVA WEST POLICE STATION**
- ANNEXURE-A3. AFFIDAVIT FILED BY THEN RESPONDENT NO.2.**

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Crl.M.C.No. 2688 of 2015

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Dated this the 28th day of May, 2015

O R D E R

The petitioner is the accused in Crime No.304/2015 of Aluva West Police Station, registered for offence punishable under Sec.326 of the IPC. Anx.A-2 is the first information statement. The 2nd respondent is the defacto complainant. The prosecution allegation is that on 17.4.2015 at about 1 p.m. the petitioner with the intention to assault the defacto complainant attacked him with a chopper and the defacto complainant sustained injury on the back side of his body and thereby the accused committed the offence. It is stated that now the entire disputes between the parties have been settled as borne out by the affidavit filled by the defacto complainant (R-2) as per Anx.A-3 in this case. It is in the light of these aspects that the petitioner has preferred the instant Crl.M.C. with the prayer to quash the impugned criminal proceedings against him.

2. Heard Sri.Jaison Joseph, learned counsel for the

petitioner, Sri.P.S.Appu, learned counsel appearing for the 2nd respondent and the learned Public Prosecutor appearing for the 1st respondent State of Kerala.

3. The learned counsel for petitioner reiterated the contentions and submissions in the Crl.M.C. The learned counsel appearing for the 2nd respondent submitted that the entire disputes between the petitioner and the 2nd respondent have been settled amicably and that the 2nd respondent has no objection in the quashment of the impugned criminal proceedings against the petitioner. The learned Public Prosecutor submitted that the prayer for quashment of the impugned criminal proceedings may be considered in the light of the legal principles laid down by the Apex Court and by this Court on the subject. On instructions, the learned Public Prosecutor also submitted that the petitioner is not involved in any other crime.

4. On a consideration of the entire facts and circumstances of this case and Anx.A-3 affidavit filed by the 2nd respondent stating that he has no further grievances against the petitioner and that he has no objection in the quashment of the impugned criminal proceedings, this Court 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.A-1 FIR in Crime No. 304/2015 of Aluva West Police Station and all further proceedings arising therefrom pending against the petitioner stand quashed.

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

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge