

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYAISHTA, 1937

Crl.MC.No. 2705 of 2015 ()

**CC.NO. 864/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, SASTHAMCOTTA
CRIME NO. 1666/2011 OF SASTHAMCOTTA POLICE STATION , KOLLAM DISTRICT**

PETITIONER(S)/ACCUSED A1 TO 9:

1. MANU, AGED 26 YEARS,S/O.SUKUMARAN,
KAYAL CHARUVIOL VEEDU, VALIAPADAM MURI,
WEST KALLADA VILLAGE, KUNNATHOOR TALUK,
KOLLAM DISTRICT.
2. ANURAJ, AGED 24 YEARS,
S/O.RADHAKRISHNAN, PARANKIMAM VILA VEEDU,
PADINJATTUM MURI, KUNNATHOOR VILLAGE,
KUNNATHOOR TALUK, KOLLAM DISTRICT.
3. RAJKIRAN, AGED 26 YEARS,S/O.RAJENDRAN,
UJJAINI VEEDU, THOTTINU VADAKKU MURI,
CHAVARA VILLAGE, KARUNAGAPPALLY TALUK,
KOLLAM DISTRICT
4. VINILRAJ, AGED 23 YEARS,
S/O.VIKRAMAN, KATTUVILA VADAKKATHILVEEDU,
VALIAPADAM MURI, WEST KALLADA VILLAGE,
KUNNATHOOR TALUK,KOLLAM DISTRICT.
5. SALIM SHA, AGED 25 YEARS,
S/O.MUHAMMED KUNJU, VADAKKEBHAGATHU VILAYIL VEEDU,
VENGA MURI, MYNAGAPPALY VILLAGE, KUNNATHOOR TALUK,
KOLLAM DISTRICT.
6. RESHKUMAR, AGED 25 YEARS,
S/O.SATHYAN, ASWATHYBHAVANAM, THAZHATHU MURI,
EAST KALLADA VILLAGE, KOLLAM DISTRICT.
7. ANEESH ALEX, AGED 25 YEARS,
S/O.ALEXANDER ANTONY, SHALIMALAYAM, VENGAMURI,
MYNAGAPPALY VILLAGE, KUNNATHOOR TALUK, KOLLAM DISTRICT.
8. ANZAR, AGED 23 YEARS,S/O.JAMAL,
PUTHENVILA KIZHAKKATHIL VEEDU, AYIKKUNNAM,
SOORANAD THEKKU VILLAGE, KUNNATHOOR TALUK,
KOLLAM DISTRICT.

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**9. MANU VIJAY, AGED 24 YEARS,
S/O.VIJAYAN, VIJAYA BHAVANAM, MANAKKARA MURI,
SASTHAMCOTTA VILLGE, KUNNATHOOR TALUK,
KOLLAM DISTRICT**

BY ADV. SRI.P.V.DILEEP

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. ARUN, AGED 25 YEARS,
S/O.UDAYABABU, UDAYAMANDIRAM, VAIDYAR MUKKU,
MARANAD MURI, PAVITHRESWARAM VILLAGE,
KOTTARAKKARA TALUK, KOLLAM DISTRICT.**
- 3. ANOOP, AGED 26 YEARS,
S/O.PONNAPPAN PILLAI, ANEESH BHAVANAM,
NEAR VALIAVILA JUNCTION, SOUTH MYNAGAPPALLY MURI,
MYNAGAPPALLY VILLAGE, KOLLAM DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE
R2 & R3 BY ADV. SRI.K.VANIL KUMAR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 02-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

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APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A: A TRUE COPY OF FINAL REPORT IN CRIME NO.1666/2011 OF
 SASTHAMCOTTA POLICE STATION IN KOLLAM DISTRICT**

ANNEX B: NOTARIZED AFIDAVIT FILED OF THE 2ND RESPONDENT

ANNEX C: NOTARIZED AFFIDAVIT FILED OF THE 3RD RESPONDENT

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

ALEXANDER THOMAS, J.

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Dated this the 2nd day of June, 2015.

ORDER

The petitioners herein are accused Nos.1 to 9 in the impugned Crime No.1666/2011 of Sasthamcotta Police Station registered for offences under Secs.143, 147, 148, 323, 324, 427 r/w 149 IPC. The police after investigation has submitted impugned Annexure-A Final Report./Charge Sheet in the above said crime which has led to the pendency of C.C.No.864/2012 on the file of the Judicial First Class Magistrate Court, Sasthamcotta. The brief of the prosecution case is that the 1st accused attacked the 2nd respondent with a piece of tile causing injury and other accused assaulted 2nd and 3rd respondents causing pain to them and thus committed the above said offences. It is stated that the defacto complainant and the injured (contesting respondents 2 & 3) have now settled all the disputes with the petitioners and that they have sworn to Annexures B & C affidavits respectively stating that the entire disputes have been resolved mutually and that they have no objection for quashment of the impugned criminal proceedings against the petitioners. It is in the light of these aspects, petitioners have filed in

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the instant Crl.M.C seeking the prayer for quashment of the impugned criminal proceedings.

2. After having heard all the parties concerned and on a perusal of the averments in the petition as well as a close scrutiny of the affidavits sworn to by the contesting respondents 2 & 3 and after hearing their learned counsel as well as the learned Public Prosecutor, this Court is of the considered opinion that the prayer for quashment could be considered in the light of the legal principles well settled by the Apex Court in this regard.

3. Accordingly, it is ordered that the impugned Annexure-A Final Report/Charge Sheet filed in Crime No.1666/2011 of Sasthamcotta Police Station which has led to the pendency of C.C.No.864/2012 on the file of the Judicial First Class Magistrate Court, Sasthamcotta and all further proceedings arising therefrom pending against the petitioners stand quashed under Sec. 482 of the Code of Criminal Procedure.

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

ALEXANDER THOMAS,
Judge.

bkn/-