

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. 2762 of 2015 ()

CC 917/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I,PATHANAMTHITTA

PETITIONERS/ACCUSED A1 TO A3 :

- 1. REJIN K. GOPI, AGED 23 YEARS,
S/O K.M. GOPI, KUTIYIL VEEDU, EDASSERIMALA MURI,
ARANMULA VILLAGE, KOMALAPPUZHI, KOZHENCHERRY TALUK,
PATHANAMTHITTA DISTRICT.**
- 2. PREM KUMAR AGED 23 YEARS
S/O BHADRAN, KULATHIL VEEDU, EDAYARANMULA MURI,
ARANMULA VILLAGE, EDASSERIMALA, KOZHENCHERRY TALUK,
PATHANAMTHITTA DISTRICT.**
- 3. SHERIN, AGED 26 YEARS,
S/O KESAVAN, KUTTIYILTHUNDU KALAYIL VEEDU,
EDASSERIMALA MURI, ARANMULA VILLAGE, KOMALAPPUZHI,
KZHENCHERRY TALUK, PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.AJITH MURALI

RESPONDENTS/COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. RAJESH K.R.@ KANNAN, AGED 25 YEARS,
S/O RAJEEV, KIZAKEDATHU VEEDU, KANJIRAVELI MURI,
MULLAPUZHASERRY VILLAGE, KOZHENCHERRY TALUK,
PATHANAMTHITTA DISTRICT-689645.**
- 3. RAJESH R.K.,
S/O RAMAKRISHNAN NAIR, KOCHUVEETIL VEEDU,
PRAKKANAM MURI, CHENNERKARA VILLAGE,
KOZHENCHERRY TALUK, PATHANAMTHITTA DISTRICT-689645.**

**R1 BY PUBLIC PROSECUTOR SMT. S. HYMA
R2 & R3 BY ADV. SRI.P.V.DILEEP**

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

Crl.MC.No. 2762 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A: A CERTIFIED COPY OF THE CHARGE SHEET IN CRIME NO.203/2013 OF
ARANMULA POLICE STATION.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

ALEXANDER THOMAS, J.

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Crl.M.C.No. 2762 of 2015

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Dated this the 27th day of May, 2015

ORDER

The petitioners herein are accused Nos.1 to 3 in Crime No. 203/2013 of Aranmula Police Station, registered for offences under Secs.323, 324, 326 and 34 IPC. The allegation is that on 6.2.2013 at about 5.30 p.m., due to prior inimical relationship between the petitioners and the 2nd respondent (defacto complainant), the petitioners attacked the defacto complainant and his friend, whereby the defacto complainant and his friend (R-3) sustained injuries. The Police, after investigation submitted the impugned Anx.A final report/charge sheet in the above said crime, which led to the pendency of Calendar Case, C.C.No.917/2014 on the file of the Judicial First Class Magistrate's Court-I, Pathanamthitta. It is stated that now the entire disputes between the petitioners and the contesting respondents 2 and 3 have been settled as borne out by two separate affidavits sworn to by respondents 2 and 3, which are produced in this Crl.M.C. It stated by the contesting respondents

that they have no further grievances against the petitioners as the matter has been settled and that they have no objection whatsoever in the quashment of the impugned criminal proceedings against the petitioners. It is in the light of these aspects that the petitioners have preferred the above Crl.M.C. with the prayer to quash the impugned criminal proceedings.

2. Heard Sri.Ajith Murali, learned counsel appearing for the petitioners, Sri.P.V.Dileep, learned counsel appearing for contesting respondents 2 and 3 and the learned Public Prosecutor appearing for the 1st respondent State of Kerala.

3. The learned counsel for petitioners reiterated the contentions and submissions in the Crl.M.C. The learned counsel appearing for respondent 2 and 3 submitted that the entire disputes between the petitioners and the contesting respondents have been settled amicably and that respondents 2 and 3 have no objection in the quashment of the impugned criminal proceedings against the petitioners. 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.

4. On a consideration of the entire facts and circumstances of this case and Anxs.A-2 and A-3 affidavits filed by contesting respondents 2 and 3 stating that they have no further grievances against the petitioners and that they have 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 final report/charge sheet filed in Crime No. 203/2013 of Aranmula Police Station, which has led to the pendency of the Calendar Case, C.C.No.917/2014 on the file of the Judicial First Class Magistrate's Court-I, Pathanamthitta and all further proceedings arising therefrom against the petitioners stand quashed.

The Crl.M.C. is disposed of as above.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge

