

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

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

Crl.MC.No. 2839 of 2015 ()

SC.NO. 919/2010 OF DISTRICT & SESSIONS COURT-I, ALAPPUZHA

PETITIONERS/ACCUSED 1 TO 3 :

- 1. ANSARI, AGED 29 YEARS
S/O.IBRAHIM KUTTY, CHILANTHARA VADAKKATHIL HOUSE
KRISHNAPURAM VILLAGE, KRISHNAPURAM MURI
ALAPPUZHA DISTRICT.**
- 2. HAKKIM, AGED 28 YEARS
S/O.HAMSA KUTTY, CHILANTHARA THEKKATHIL HOUSE
KRISHNAPURAM VILLAGE, KRISHNAPURAM MURI
ALAPPUZHA DISTRICT.**
- 3. SUDEESH, AGED 31 YEARS
S/O.BABU, KANDATHIL PUTHENVEEDU, KRISHNAPURAM VILLAGE
NJAKKANAL MURI, ALAPPUZHA DISTRICT.**

BY ADV. SMT.S.L.SYLAJA

RESPONDENTS/STATE & DEFACTO-COMPLAINANT :

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-31.**
- 2. KANNAN @ KINRAJ, AGED 26 YEARS
S/O.SIVARAJAN, UTHIRAKKUZHI KIZHAKKATHIL HOUSE
KRISHNAPURAM MURI, KRISHNAPURAM VILLAGE
ALAPPUZHA DISTRICT-690 533.**
- 3. RADHA, AGED 47 YEARS
W/O.SIVARAJAN, UTHIRAKKUZHI KIZHAKKATHIL HOUSE
KRISHNAPURAM MURI, KRISHNAPURAM VILLAGE
ALAPPUZHA DISTRICT-690 533.**

**R1 BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN
R2 & R3 BY ADV. SRI.M.R.NANDAKUMAR**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 02-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 2839 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

ANNEXURE I : PHOTO COPY OF THE FIR NO.860/2008 REGISTERED BY THE KAYAMKULAM POLICE STATION.

ANNEXURE II : CERTIFIED COPY OF THE FINAL REPORT DATED 24-3-2010 FILED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, KAYAMKULAM.

ANNEXURE III : AFFIDAVIT DATED 25-4-2015 OF THE DEFACTO COMPLAINANT (2ND RESPONDENT).

ANNEXURE IV : AFFIDAVIT DATED 25-4-2015 OF THE 3RD RESPONDENT HEREIN.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

K. ABRAHAM MATHEW, J.

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Crl. M.C. No. 2839 of 2015

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Dated this the 2nd day of June, 2015

ORDER

Petition filed under section 482 Cr.P.C.

2. Petitioners are accused in Sessions Case No. 919 of 2010 on the file of the Sessions Court-I, Alappuzha. They are charged with having committed the offences under sections 451, 323, 354, 427 and 34 of IPC and 3(1)(xi) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is submitted that the matter has been settled. The prayer is to quash the proceedings in the sessions case.

3. Heard the learned counsel for the petitioners and respondents 2 and 3 and the learned Public Prosecutor.

4. Perused the affidavits filed by respondents 2 and 3, I am satisfied that the allegations are true and no public interest is involved in this case. Hence, the petition will be allowed.

In the result, this Crl. M.C. is allowed. The proceedings in Sessions Case No. 919 of 2010 on the file of the Sessions Court- I, Alappuzha are quashed.

Sd/-

**K. ABRAHAM MATHEW
JUDGE**

DST

//True Copy//

P. A. To Judge