

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

Crl.MC.No. 2952 of 2015 ()

**AGAINST SC NO.268/2012 of PRINCIPAL SUB COURT, ATTINGAL
CRIME NO. 731/2010 OF KADAKKAVOOR POLICE STATION , THIRUVANANDAPURAM**
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PETITIONER(S)/A1 TO A2 :

1. **SAJIKUMAR
S/O.MANILAL, PATTIKKAVALA VAKKOM VILLAGE,
TRIVANDRUM.**
2. **SUJITH
S/O.RAMANAN, NETTIKUNNU VAKKOM VILLAGE,
TRIVANDRUM.**

BY ADV. SRI.M.R.SARIN PANICKER

RESPONDENT(S)/COMPLAINANT :

1. **THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
2. **AJI, AGED 31 YEARS,
S/O.BABU CHAMBANVILA VEEDU
CHAMBANVILA VAKKOM VILLAGE, VARKALA TALUK,
TRIVANDRUM- 695 001.**

**R2 BY ADV. SRI.AJAYA KUMAR. G
R1 BY SMT.S.HYMA, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
03-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

AMV

Crl.MC.No. 2952 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS :

ANNEXURE A1: COPY OF THE FIR NO.731/10 OF KADAKKAVOOR POLICE STATION.

ANNEXURE A2: COPY OF THE FINAL REPORT IN SC NO.268/12 BEFORE ASSISTANT SESSIONS COURT ATTINGAL A FILED BY SUB INSPECTOR OF POLICE KADAKKAVOOR.

ANNEXURE A3: AFFIDAVIT SIGNED BY THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

PA.TO JUDGE

AMV

ALEXANDER THOMAS, J.

Crl.M.C. No. 2952 of 2015

Dated this the 3rd day of June, 2015

ORDER

The petitioners are the accused Nos.1 and 2 in the impugned Annexure-A1 FIR in Crime No.731/2010 of Kadakkavoor Police Station registered for the offences punishable under Sections 324, 326, 308 & 34 of the Indian Penal Code. The police after investigation submitted the impugned Annexure-A1 FIR/charge sheet in the above said crime, which has now lead to the pendency of S.C.No.268 of 2012 on the files pending before Hon'ble Assistant Sessions Court, Attingal.

2. The gist of the prosecution case is that, due to strange relationship between the parties, the 1st accused manhandled the de facto complainant (2nd respondent herein) with a chopper and 2nd accused attacked him with iron stick on his right leg which caused pain to him and the 1st accused intention to kill the de facto complainant attacked him with the chopper, but the de facto complainant prevented the attack with his right hand, which caused injuries to him etc. It is now stated that, the entire disputes between the parties have been amicably settled as borne out by Annexure-A3 affidavit to by

the 2nd respondent/de facto complainant. It is stated therein that the petitioners and the de facto complainant were friends and that they have strange relationship due to some unfortunate incidence and that the altercation took place between the parties in the context of this strange relationship and that they have now restored the friendship and the 2nd respondent has no objection for quashing the criminal proceedings against the petitioner. In the light of these aspects, the petitioners have filed this criminal miscellaneous case seeking the quashment of the impugned civil proceedings.

3. The learned public prosecutor submitted that the prayer for quashment may be considered by this Court in the light of the legal principles well settled by the Apex Court on such issues. The learned public prosecutor earlier specifically requested to get instructions as to whether petitioner are involved in any other crimes. Accordingly it is submitted on instructions by the learned public prosecutor that petitioners are not involved in any other criminal cases.

4. Heard Sri.M.R.Sarinpanicker, the learned counsel for the petitioners, Sri.G.Ajaya Kumar, the learned counsel for the 2nd respondent and learned public prosecutor for the 1st respondent.

5. Having regard to the facts and circumstances of the case and affidavit sworn to by the 2nd respondent, this Court is of the opinion that the prayer for quashment could be considered in the light of the principles laid down by the Apex Court in that regard. Accordingly it is ordered in the interest of justice that the impugned Annexure-A2 FIR/charge sheet filed in Crime No.731/2010 of Kadakkavoor Police Station, which are lead to the pendency of S.C.No.268 of 2012 on the files of Hon'ble Assistant Sessions Court, Attingal and all further proceedings arising there from pending against the petitioner will stand quashed.

This Crl.M.C., is finally disposed of accordingly.

sd/-
ALEXANDER THOMAS
JUDGE

AMV/04/06/