

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ALEXANDER THOMAS

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

Crl.MC.No.3023 of 2015

**CC NO.520/2015 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
KASARAGOD.
CRIME NO.204/2011 OF BEDAKOM POLICE STATION,KASARGOD.**

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PETITIONER/ACCUSED NO.1:

**V.VINEETH @ KICHU,S/O.P.V.THAMBAN,
VADAKKAMPURAM HOUSE,AMMANGAD,
BEDAKAM,KASARAGOD.**

BY ADV.SRI.V.TEKCHAND

RESPONDENT'S/COMPLAINANT & STATE:

- 1. PRAJITH,S/O.NARAYANAN,KAKKOTAMMA HOUSE,
PALLATHINGAL,MUNNAD POST,KASARAGOD.**
- 2. STATE OF KERALA,THROUGH SUB INSPECTOR OF POLICE,
BEDAKAM POLICE STATION,REPRESENTED BY
THE PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
KOCHI - 31.**

R1 BY ADV.SRI.N.RAJESH

R2 BY PUBLIC PROSECUTOR SMT.S.HYMA.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 26-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

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APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE-A1: CERTIFIED COPY OF THE CHARGE SHEET IN CC NO.520/2015 ON
THE FILE OF JFCM, KASARAGOD.**

ANNEXURE-A2: AN AFFIDAVIT SWORN TO BY THE DEFACTO COMPLAINANT.

ANNEXURE-A3: TRUE COPY OF THE ORDER IN CRL.MC NO.1294/2014.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

ALEXANDER THOMAS, J.

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Dated this the 26th day of May, 2015.

ORDER

The petitioner is the accused No.1 in Crime No.204/2011 of Bedakam Police Station, Kasaragod District for offences punishable under Secs. 323 & 324 r/w 34 IPC. The gist of the prosecution case is that on 7.7.2011 at about 8:00 p.m. the petitioner and 1st accused and other two juvenile accused called CW1 out of his shop, attacked him with stick and hands and caused injuries which are not serious in nature. The police after investigation submitted Annexure-A1 Final Report/Charge Sheet in Crime No.204/2011 which has led to the pendency of C.C.No.520/2015 on the file of the Judicial First Class Magistrate Court, Kasaragod. Accused No.2 had approached this Court by filing Crl.M.C.No.1294/2014 praying that the impugned criminal proceedings arising out the said Calender Case may be quashed to the extent it affects him on the ground of settlement with the defacto complainant and in view of the fact that he had secured employment in a bank. This Court allowed the plea of the said accused No.2 as per Annexure-A3 judgment dated 7.3.2014 in Crl.M.C.No.1294/2014. After the quashment of the charge against the accused

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No.2 the case was re-numbered as C.C.No.520/2015 in which the petitioner is the sole accused. It is stated that the matter has been settled with the defacto complainant (R1) and that as the factual allegations involved are not very serious in nature, the impugned criminal proceedings may be quashed in view of the settlement. Annexure-A2 is the affidavit sworn to by the 1st respondent-defacto complainant stating that he has no objection in quashing the impugned criminal proceedings against the petitioner.

2. Heard Sri.V.Tek Chand, learned counsel for the petitioner, Sri.N.Rajesh, learned counsel appearing for the 1st respondent and the learned Public Prosecutor appearing for the 2nd respondent.

3. The petitioner has reiterated the submissions and contentions raised in the CrI.M.C Learned for the 1st respondent submitted that this Court may consider the plea of the petitioner for quashment of the impugned criminal proceedings in the light of Annexure-A2 settlement and Annexure-A3 judgment of this Court quashing the proceedings as against the co-accused.

4. The learned Public Prosecutor submitted that this Court may consider the prayer for quashing the impugned criminal proceedings in the light of the legal principles laid down in this regard.

5. On a consideration of the facts and circumstances of this case it is seen that the matter has been settled. It is explicitly stated in Annexure-A1

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Final Report/Charge Sheet that the injuries involved in the case are not very serious. In this view of the matter, this Court is of the considered opinion that the plea for quashment could be considered in view of the legal principles laid down by the apex Court in Gian Singh v. State of Punjab reported in 2013 (1) SCC (Cri) 160, para 61 = (2012) 10 SCC 303 = 2012 (4) KLT 108 (SC).

6. Accordingly, it is ordered in the interest of justice that the impugned Annexure-A1 Final Report/Charge Sheet filed in Crime No.204/2011 of Bedakam Police Station which has led to the pendency of C.C.No.520/2015 on the file of the Judicial First Class Magistrate Court, Kasaragod and all further proceedings pending against the petitioner arising therefrom stand quashed. The petitioner shall produce a certified copy of this order before the Station House Officer concerned as well as before the court below concerned.

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

ALEXANDER THOMAS,
Judge.

bkn/-