

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

Crl.MC.No. 3095 of 2015

**CC 850/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, MALAPPURAM
CRIME NO. 426/2012 OF KOTTAKKAL POLICE STATION , MALAPPURAM**

PETITIONER(S)/ACCUSED NOS.1 &2:

1. ALAVIKUTTY, AGED 68 YEARS,
S/O KUNJALAN, KOONARI THUMBATHU HOUSE,
PUTHUR AMSOM DESOM, THIRURANGADI TALUK, MALAPPURAM .
2. ABDULLAKUTTY, AGED 58 YEARS,
S/O UMMUDU HAJI , MUSSILYARKURUNGATTIL, MATATHOOR,
OTHUKKUNGAL VILLAGE , THIRURANGADI TALUK, MALAPPURAM.

BY ADV. SRI.P.K.NIJOY

RESPONDENT(S)/STATE COMPLAINT:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA , ERNAKULAM 682 031.
2. THE VILLAGE OFFICER,
OTHUKKUNGAL, MALAPPURAM 676 505.
3. SOUDHA,
W/O UMMER, VAYANKARA HOUSE, MATTATHOOR
OTHUKKUNGAL VILLAGE, THIRURANGADI TALUK,
MALAPPURAM 676 101.

**R3 BY ADV. SRI.JOSEPH JOHNY C.
R1 & 2 BY PUBLIC PROSECUTOR SMT.REMA. R.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17-06-2015, ALONG WITH CRL.MC.NO.3621/2015 AND CONNECTED
CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE A1 CERTIFIED COPY OF THE COMPLAINT DATED 22/8/2012 OF THE 2ND
RESPONDENT**

**ANNEXURE A2 CERTIFIED COPY OF THE FIR IN CRIME NO 426 OF 2012 DATED
22/6/2012**

**ANNEXURE A3 CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO 426 OF 212
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
MALAPPURAM**

ANNEXURE A4 TRUE COPY OF THE AGREEMENT DATED 25/6/2012

**ANNEXURE A5 ORIGINAL OF THE AFFIDAVIT DATED 4/5/2015 OF THE 3RD
RESPONDENT**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

K. ABRAHAM MATHEW, J.

Crl.M.C. No.3095 of 2015

Dated this the 17th day of June 2015

O R D E R

Petition filed under Sec.482 Cr.P.C.

2. Petitioners are accused in C.C. No.850 of 2012 on the file of the Judicial First Class Magistrate Court, Malappuram. They are charged with having committed the offences under Sec.336 of Indian Penal Code and Sec.118(e) of the Kerala Police Act. They allegedly excavated earth from the property belonging to the 2nd petitioner causing damage to the neighbouring land and the building situated on it which belongs to the 3rd respondent. It is submitted that the dispute between the parties has been settled. The prayer is to quash the proceedings in the criminal case.

3. Heard the learned counsel for the petitioners and for the 3rd respondent and the learned Public Prosecutor.

4. The 3rd respondent has filed an affidavit stating that the dispute has been settled and she has no

objection to the proceedings in the criminal case being quashed. I am satisfied that the allegation is true. No public interest is involved in this case. This is a fit case to invoke the jurisdiction of this Court under Sec.482 Cr.P.C. to quash the proceedings in the criminal case.

In the result, this Crl.M.C. is allowed. The proceedings in C.C. No.850 of 2012 on the file of the Judicial First Class Magistrate Court, Malappuram are quashed.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

NS

P.A. To Judge