

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

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

Crl.MC.No. 3178 of 2015 ()

CC. NO.700/2008 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ATTINGAL.

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PETITIONERS/A1, A2 & A4:

- 1. JAYACHANDRAN, NAIR, AGED 44 YEARS,
S/O.RAMACHANDRAN NAIR, MANACATTU VILAKOM VEEDU,
NEAR ARATTUMOODU RAILWAY GATE, KAZHAKUTTOM DESOM,
KAZHAKUTTOM VILLAGE, THIRUVANANTHAPURAM.**
- 2. ANSAR, AGED 43 YEARS, S/O.ABDUL RAHIMAN,
SUJINA MANZIL, KANDAVILA DESOM, KADINAMKULAM VILLAGE,
THIRUVANANTHAPURAM.**
- 3. SULFEEKAR, AGE 45 YEARS,
S/O.AHAMED KUNJU, MANACATTUVILAKOM VEEDU,
BACK OF CHANNANKARA JUMA MASJID,
KADINAMKULAM VILLAGE, THIRUVANANTHAPURAM.**

BY ADV. SRI.SHAJIN S.HAMEED.

RESPONDENTS/STATE & CW1:

- 1. STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
KADINAMKULAM POLICE STATION,
REPRESENTED THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. AZEEZ, AGED 59 YEARS, S/O.HASSAN KUNJU,
SUBAHI, CHITTATUMUKKU, CHITTATUMUKKU DESOM,
KADINAMKULAM VILLAGE, THIRUVANANTHAPURAM-695 301.**

R1 BY PUBLIC PROSECUTOR SMT.S. HYMA.

R2 BY ADV. SRI.R.GOPAN.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 02-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

ANNX.A - CERTIFIED COPY OF THE FINAL REPORT IN CC NO.700/2008 ON THE FILE OF THE JUDICIAL 1ST CLASS MAGISTRATE COURT-I, ATTINGAL.

ANNX.B - AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ALEXANDER THOMAS, J.

CrI.M.C.No.3178 Of 2015

Dated this the 2nd day of June, 2015.

ORDER

The petitioners herein are the accused Nos.1, 2 and 4 in the impugned Crime No.26/2008 of Kadinamkulam Police Station registered for offences under Sec.381 r/w 34 IPC. The police after investigation submitted impugned Annexure-A Final Report/Charge Sheet in the above said crime which led to the pendency of C.C.No.700/2008 on the file of the Judicial First Class Magistrate Court-I, Attingal. It is stated that the accused No.3 has passed away. The gist of the prosecution allegation is that the accused persons committed theft of two bags of rice each containing 74 kgs. Though the crime was registered against five persons Final Report was submitted only against accused Nos. 1 to 4. The whereabouts of the 5th accused is unknown and accused No.3 is no more. Moreover the offence alleged against the petitioners is only under Sec.381 Cr.P.C which is compoundable under the provisions of the Cr.P.C. It is stated that the entire disputes between the petitioners and the defacto complainant have been settled and the 2nd respondent has no further grievance against the petitioners and that the offence is compoundable and the 2nd respondent has no objection for quashment of the impugned

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criminal proceedings against the petitioners. It is in the light of these aspects, that the petitioners have filed the instant Crl.M.C seeking the prayer for quashment of the impugned criminal proceedings.

2. After having heard all the parties concerned and on a perusal of the averments in the petition as well as a close scrutiny of the affidavit sworn to by the contesting respondent No.2 and after hearing his learned counsel as well as the learned Public Prosecutor, this Court is of the considered opinion that the prayer for quashment could be considered in the light of the legal principles well settled by the Apex Court in this regard.

3. Accordingly, it is ordered that the impugned Annexure-A Final Report/Charge Sheet filed in Crime No.26/2008 of Kadinamkulam Police Station which has led to the pendency of C.C.No.700/2008 on the file of the Judicial First Class Magistrate Court-I, Attingal and all further proceedings arising therefrom pending against the petitioners stand quashed under Sec. 482 of the Code of Criminal Procedure.

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

ALEXANDER THOMAS,
Judge.

bkn/-