

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

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

Crl.MC.No. 3266 of 2015 ()

**CP.NO. 9/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - I, NORTH PARAVUR
CRIME NO. 1445/2014 OF VADAKKEKARA POLICE STATION, ERNAKULAM DISTRICT**

PETITIONER/ACCUSED :

**PADMANABHAN NAIR, AGED 76 YEARS,
S/O.KUNJUNNI PILLAI, UTHRADAM PUTHEN VEETIL,
MATTUPURAM KARA, CHENDAMANGALAM VILLAGE,
ERNAKULAM DISTRICT.**

**BY ADVS.SRI.C.S.AJITH PRAKASH
SRI.P.S.SYAMKUTTAN**

RESPONDENT(S)/COMPLAINANTS :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SUB INSPECTOR OF POLICE, VADAKKEKARA POLICE STATION,
ERNAKULAM DISTRICT.**
- 3. BALAN PILLAI, AGED 44 YEARS, S/O.AYYAPPAN PILLAI,
KALEECKAL HOUSE, KAYAMKULAM KARA, ALAPPUZHA DISTRICT,
NOW RESIDING AT UTHRADAM PUTHEN VEETIL, MATTUPURAM KARA,
CHENDAMANGALAM VILLAGE, ERNAKULAM DISTRICT.**
- 4. PADMINI, AGED 65 YEARS, W/O.PADMANABHAN NAIR,
UTHRADAM PUTHEN VEETIL, MATTUPURAM KARA,
CHENDAMANGALAM VILLAGE, ERNAKULAM DISTRICT.**
- 5. SOUMINI, AGED 36 YEARS, W/O.BALAN PILLAI,
UTHRADAM PUTHEN VEETIL, MATTUPURAM KARA,
CHENDAMANGALAM VILLAGE, ERNAKULAM DISTRICT.**

R1 & R2 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN

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

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CRMC.NO.3266/2015

APPENDIX

PETITIONER'S ANNEXURES:

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| ANNEX A1 | COPY OF THE FIR IN CRIME NO.1445/2014 OF THE VADAKKEKARA POLICE STATION |
| ANNEX A2 | COPY OF THE CHARGE SHEET IN FIR NO.1445/2014 DATED 23/2/2015. |
| ANNEX A3 | COPY OF THE RELEVANT PAGE OF THE DISCHARGE CARD |
| ANNEX A4 | COPY OF THE EX-SERVICE MAN CARD OF THE PETITIONER. |
| ANNEX A5 | COPY OF THE DISCHARGE CERTIFICATE ISSUED TO THE 4TH RESPONDENT FROM THE LITTLE FLOWER HOSPITAL & RESEARCH CENTRE, ANGAMALY DATED 8/12/2014. |
| ANNEX A6 | COPY OF THE DISCHARGE CERTIFICATE ISSUED TO THE 5TH RESPONDENT FROM THE LITTLE FLOWER HOSPITAL AND RESEARCH CENTRE, ANGAMALY DATED 15/12/2014 |
| ANNEX A7 | COPY OF THE FURTHER TREATMENT CERTIFICATE OF THE 4TH RESPONDENT ISSUED FROM AMRITA INSTITUTE OF MEDICAL SCIENCES AND RESEARCH CENTRE. |
| ANNEX A8 | COPY OF THE AFFIDAVIT DATED 2/6/2014 SWORN BY THE 3RD RESPONDENT. |
| ANNEX A9 | COPY OF THE AFFIDAVIT DATED 2/6/2015 SWORN BY THE 4TH RESPONDENT. |
| ANNEX A10 | COPY OF THE AFFIDAVIT DATED /6/2015 SWORN BY THE 5TH RESPONDENT. |

RESPONDENT'S ANNEXURES: NIL

/TRUE COPY/

P.A.TO JUDGE

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K. ABRAHAM MATHEW, J.

Crl.M.C. No.3266 of 2015

Dated this the 3rd day of June 2015

O R D E R

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

2. The petitioner is the 1st accused in C.P.No.9 of 2015 on the file of the Judicial First Class Magistrate Court, North Paravur. He is charged with having committed the offences under Secs.307, 324 and 326 of Indian Penal Code. It is submitted that the matter has been settled and the proceedings in the criminal case may be quashed.

3. Heard.

4. The petitioner is a 76 year old man. He has been in judicial custody since 24.12.2014. The victim, the first informant and other persons concerned in the matter have filed affidavits to the effect that the matter has been settled and they have no objection to the proceedings in the criminal case being quashed. I am satisfied that the allegation is true and 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.P.No.9 of 2015 on the file of the Judicial First Class Magistrate Court, North Paravur are quashed. If any material objects have been produced in this case, the learned Magistrate may pass appropriate orders for their disposal. Issue orders to the Superintendent of Viyyur Central Jail to release the petitioner forthwith. Hand over.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge