

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

Crl.MC.No. 3292 of 2015 ()

**SC.NO. 461/2012 OF SESSIONS COURT, PALAKKAD
CRIME NO. 517/2010 OF ALATHUR POLICE STATION , PALAKKAD DISTRICT**

PETITIONERS/ACCUSED NOS.1 TO 3:-

- 1. PRADEEP, AGED 45 YEARS,
S/O.KRISHNAN, KALARIKKAL HOUSE,
PADOOR, PALAKKAD.**
- 2. MUGHIL, AGED 23 YEARS,S/O.RAMAKRISHNAN,
NETHYAMPARAMBU HOUSE, PADOOR,
PALAKKAD.**
- 3. LIBIN, AGED 25 YEARS,S/O.VELAYUDHAN,
NETHYAMPARAMBU HOUSE, PADOOR,
PALAKKAD.**

BY ADV. SRI.N.P.PRAJEESH

RESPONDENTS/STATE & DEFACTO COMPLAINANT:-

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031**
- 2. KRISHNADAS, AGED 22 YEARS,
S/O.RADHAKRISHNAN, VADAKKEVEEDU, KAZHANI,
KALLEPPULLI, ALATHUR TALUK,
PALAKKAD DISTRICT-678 001**

**R1 BY PUBLIC PROSECUTOR SMT. S.HYMA
R2 BY ADV. SRI.TONY AUGUSTINE**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 04-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 3292 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEX A. CERTIFIED COPY OF THE FINAL REPORT ALONG WITH THE LIST OF WITNESSES IN S.C.NO.461/2012 ON THE FILE OF THE PRINCIPAL SESSIONS COURT, PALAKKAD.

ANNEX B. ORIGINAL OF THE AFFIDAVIT SWORN TO BY THE RESPONDENT NO.2.

RESPONDENT(S)' ANNEXURES: **NIL**

/TRUE COPY/

P.A.TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No.3292 of 2015

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Dated this the 4th day of June, 2015

ORDER

The petitioners are accused 1,3 and 4 in the impugned Crime No.517/2010 of Alathur Police Station. The police after investigation submitted Annexure A final report/charge sheet in the above said crime for offences under Sections 143, 147, 452, 323, 324 read with 149 of IPC. Out of the total five original accused in the crime, including three petitioners herein, two others were juvenile and hence final report as against the said two juvenile accused was filed before the Juvenile Court, Palakkad and the case ended in acquittal by Juvenile Court, Palakkad. The final report as against the petitioners here were submitted before the Judicial First Class Magistrate Court, Alathur and the case after committal is now pending as S.C.No.461/2012 on the file of the Principal Sessions Court, Palakkad.

2. The Prosecution case is that on 6/9/2010 at about 5:30 p.m., the accused persons formed themselves into an unlawful assembly armed with weapons, bamboo stick and trespassed into the house of the de facto complainant(R2 herein) and assaulted him by using bamboo sticks and also rock and caused injury to him. CW1 the sole injured in the case was minor at the alleged date of occurrence of the case and it was under these circumstances that the case after committal by the Jurisdictional Magistrate Court to the Sessions Court concerned. It is now stated that the de facto complainant (R2) is now a major aged 22 years has sworn to Annexure B affidavit to this Court stating that he is the sole injured in the case and that the matter between the petitioners and de facto complainant has been settled and that he has not interested to continue the prosecution case further and that he has no objection for quashment of the impugned criminal proceedings pending against the petitioners in the above sessions case. It is in the light of these aspects the petitioners are filed the instant Crl.M.C. with the prayer for the

quashment of the the impugned criminal proceedings.

3. After hearing all parties concerned and on perusal of the petition and on a close scrutiny of the Annexure B affidavit sworn to by the de facto complainant (R2) as well as his counsel and the learned PP this court is of the considered opinion of the prayer for quashment could be considered in the light of legal principles well settled by the Apex Court in that regard.

4. Accordingly it is ordered that the impugned Annexure A final report/charge sheet in the impugned Annexure A Crime No.517/2010 of Alathur police station which was now led to the pendency of SC No.461/2012 on the file of the Principal Sessions Court, Palakkad pending against the petitioners and all further proceedings arising therefrom pending against the petitioners will stand quashed.

Accordingly the Crl.M.C.stands finally disposed of .

Sd/-ALEXANDER THOMAS, JUDGE