

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

CrI.MC.No. 3656 of 2015

SC 863/2013 OF SUB COURT, KOTTARAKKARA

CRIME NO. 46/2007 OF THENMALA POLICE STATION, KOLLAM

PETITIONER(S)/ACCUSED:

**RAJESH,
S/O.GOPALAN, CHARUVILA PUTHEN VEEDU, NEAR FOREST DEPOT,
ARYANKAVU VILLAGE, PATHANAPURAM, PUNALUR,
KOLLAM.**

BY ADV. SRI.B.MOHANLAL

RESPONDENT(S)/COMPLAINANT:

- 1. STATE,
REPRESENTED BY THE STATION HOUSE OFFICER,
THENMALA POLICE STATION, KOLLAM DISTRICT,
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**
- 2. MAMPAZHATHARA SALIM,
S/O.MYTEEN KUNJU, VAHID BUILDINGS, EDAPPALAYAM,
ARYANKAVU VILLAGE, PUNALUR, KOLLAM.**

**R1 BY PUBLIC PROSECUTOR SMT.S.HYMA
R2 BY ADV. SRI.T.M.JAFARKHAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
24-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE A1 : THE TRUE COPY OF THE FIR IN CRIME NO.46/2007 OF THENMALA POLICE STATION.

ANNEXURE A2 : THE TRUE COPY OF THE FINAL REPORT IN CRIME NO.46/2007 OF THENMALA POLICE STATION.

ANNEXURE A3 : THE TRUE COPY OF THE AFFIDAVIT DATED 11-6-2015 OF THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ALEXANDER THOMAS, J.

Cl.M.C.No.3656 Of 2015

Dated this the 24th day of June, 2015.

ORDER

The petitioner is the sole accused in C.P.No.124/2008 on the file of the Judicial First Class Magistrate Court-I, Punalur, which arose out of Annexure-A2 Final Report/Charge Sheet filed in Crime No.46/2007 of Thenmala Police Station registered for alleged offence under Sec.307 of the IPC. The gist of the prosecution allegation is that the petitioner in order to attempt to murder the defacto complainant tried to hit a car on the defacto complainant and thus committed the offence. The case was committed to the Sessions Court and the case against the petitioner is pending as S.C.No.863/2013 on the file of the Assistant Sessions Court, Kottarakkara. It is now submitted that the entire disputes between the parties have been resolved through out of court settlement and that the 2nd respondent (defacto complainant) has sworn to Annexure-A3 affidavit wherein he has stated that he has no objection in the quashment of the impugned criminal proceedings pending against the petitioner. It is in the light of these aspects that the petitioner has filed this CrI.M.C seeking the prayer for quashment of the impugned criminal proceedings.

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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 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 in the interest of justice that the impugned Annexure-A2 Final Report/Charge Sheet filed in Crime No.46/2007 of Thenmala Police Station, which is now pending as S.C.No.863/2013 on the file of the Assistant Sessions Court, Kottarakkara and all further proceedings arising therefrom pending against the petitioner herein stand quashed under Sec. 482 of the Code of Criminal Procedure.

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

ALEXANDER THOMAS,
Judge.

bkn/-