

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937

Cr1.MC.No. 2477 of 2014 ()

AGAINST THE ORDER IN CC NO.504/2013 of J.M.F.C.-I, CHENGANNUR
DATED 18.03.2013

PETITIONER(S)/ACCUSED:

1. SURESH
S/O.SIVAN PILLAI, KAYYALAKKAKATHU VEEDU,
MAZHUKKER KEEZHMURI, THIRUVANVANDOOR VILLGE.

2. SINDHU
W/O.SURESH, KAYYALAKKAKATHU VEEDU, MAZHUKKER KEEZHMURI
THIRUVANVANDOOR VILLGE

BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRA KRISHNAN

RESPONDENT(S)/DEFACTO COMPLAINANT/STATE:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

2. PRINCE,
S/O.MONCY THOMAS, PATTAM THUNDATHIL VEEDU
MAZHUKKEER KEEZHMURI, THIRUVANDOOR VILLAGE - 686 582.

R1 BY PUBLIC PROSECUTOR SRI.REJI JOSEPH
R2 BY ADV.SRI.AJITH MURALI

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
30-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 2477 of 2014 ()

APPENDIX

PETITIONER(S) ' EXHIBITS

ANNEXURE-I.TRUE COPY OF THE FIRST INFORMATION REPORT ALONG WITH COMPLAINT IN CRIME NO.500/2012.

ANNEXURE-II.TRUE COPY OF THE REFER REPORT IN CRIME NO.500/2012 OF CHANGANNUR POLICE.

ANNEXURE-III. TRUE COPY OF THE FIRST INFORMATION REPORT ALONG WITH FIRST INFORMATION STATEMENT IN CRIME NO.416/2012 OF CHANGANNUR POLICE STATION.

ANNEXURE-IV. CERTIFIED COPY OF THE COMPLAINT SUBMITTED BY THE 2ND RESPONDENT

ANNEXURE-V. TRUE COPY OF THE ORDER DATED 18/3/2013 OF JUDICIAL MAGISTRATE OF FIRST CLASS-I, CHENGANNUR TAKING COGNIZANCE.

ANNEXURE-VI AFFIDAVIT DATED 05.10.2015 SWORN BY THE 2ND RESPONDENT.

RESPONDENT(S) ' EXHIBITS : NIL

/TRUE COPY/

P. A. TO JUDGE

Pn

SUNIL THOMAS, J.

Crl. M. C. No. 2477 of 2014

Dated this the 30th day of November, 2015

J U D G M E N T

This Crl. M. C. is filed by the accused in C.C. No.504/2013 of the Judicial Magistrate of First Class-1, Chengannur for offences punishable under Sections 323, 324, 506(ii) read with Section 34 IPC.

2. The allegation of the defacto complainant was that, on 09.04.2012, at about 3.30 pm, while the defacto complainant was walking through a pathway, the accused abused him, the 1st accused hit with a brick and the second accused, kicked him. A private complaint was laid which was referred to the Police and after investigation, final report was submitted stating that it was a false complaint. Thereafter, a protest complaint was filed. Annexure-V is the order by which on the basis of the deposition of CWs 1 to 3, the court took the complaint on file as C.C. No.504/2013.

3. The present petition is filed seeking to quash the criminal proceedings on the basis that, the parties have settled the dispute out of court. When the matter came up for hearing, it was noticed that another crime as Crime No.16/2012 was pending

consideration and the parties were directed to verify. After instructions, it was submitted by the learned counsel for the 2nd respondent that the above case has also been settled between the parties.

4. It appears that, the parties are neighbours and there were other pending disputes between them. The nature of allegations and the available materials indicate that it is a purely private dispute and no public interest is involved. The parties have voluntarily and amicably settled the dispute. The 2nd respondent has filed an affidavit disclosing that. He has no objection in quashing the criminal proceedings.

In the light of the above, the entire criminal proceedings in C.C. No. 504/2013 stands quashed.

Sd/-

SUNIL THOMAS, JUDGE.

/true copy/

P. A. to Judge