

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

Crl.MC.No. 3761 of 2015 (F)

C.C.NO.421/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, PARAVOOR

PETITIONER/ACCUSED NO.2 :

**SHABURAJ,
S/O. DEVARAJAN, S.B.S.SADANAM,
NEAR CHEMBAKASERY SCHOOL, POOTHAKULAM VILLAGE,
POOTHAKULAM PANCHAYATH, KOLLAM DISTRICT.**

**BY ADVS.SRI.M.RAJAGOPALAN NAIR
SRI.G.BIJU
SRI.V.A.VINOD**

RESPONDENTS/STATE & DE-FACTO COMPLAINANT :-

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031.**
- 2. REENA, D/O. KALI, RESIDING AT CHALIL LEKSHAM VEEDU,
WARD NO. V, POOTHAKULAM VILLAGE, KOLLAM DISTRICT
PIN-691302.**

**R1 BY SMT.V.H.JASMINE, PUBLIC PROSECUTOR
R2 BY ADV. SRI.S.JAYAPRAKASH (MADAVOOR)**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 3761 of 2015 (F)

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE 1- CERTIFIED COPY OF THE F.I.R NO. 646/12 IN CRIME NO. 646/2012 OF
PARAVOOR POLICE STATION.**

**ANNEXURE 2- CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 646/2012 OF
PARAVOOR POLICE STATION.**

ANNEXURE 3- AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.3761 of 2015

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Dated this the 12th day of August, 2015

ORDER

The petitioner herein is the 2nd accused in C.C.No.421 of 2012 of the Judicial First Class Magistrate Court, Paravoor. The offences involved in the case are under Sections 341 and 354 IPC. Crime in this case was registered on the complaint of Reena. She is the 2nd respondent in this proceeding brought by the second accused to quash the prosecution on the ground of settlement. The complainant Reena has filed affidavit to the effect that she has settled the dispute with the petitioner, and she has no grievance or complaint against him. In fact, on a perusal of the first information statement, I find that her allegations under Section 354 IPC are only against one person. The FI Statement shows the presence of two persons at the scene. She has no case against the other person. Just because the other person also escaped from the scene with the first accused, the police registered a crime against him, and also filed final report against him. The FI statement does not contain any definite allegation against the second person mentioned in the complaint. It is definite that orders quashing the prosecution as

against the second accused in such a circumstance will not in any manner affect the prosecution as against the first accused. I am satisfied that the defacto complainant has come to terms quite voluntarily, and she has no grievance or complaint now against the second accused. In such a situation, it is appropriate that the prosecution as against the second accused be quashed.

In the result, the petition is allowed. The prosecution against the petitioner herein as the second accused in C.C.No.421 of 2012 of the Judicial First Class Magistrate Court, Paravoor will stand quashed under Section 482 Cr.P.C. The case will proceed as against the first accused.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE