

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

Crl.MC.No. 3854 of 2015

**-----
CC 138/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR.
CRIME NO. 727/2014 OF PERINGOME POLICE STATION, KANNUR.
-----**

PETITIONER(S)/ACCUSED:

-
- 1. VAHAYIL MURALI, S/O. KARUNAN, AGED 43 YEARS,
AUTO DRIVER, VAHAYIL HOUSE, VAYAKKARA AMSOM
AND DESOM, TALIPARAMBA TALUK OF KANNUR - 670 307.**
 - 2. SHIBU UPPUKUTTY, S/O. KUNHIRAMAN,
AGED 33 YEARS, AUTO DRIVER, VAVALMADA,
PADIYOTTUCHAL, VAYAKKARA AMSOM AND DESOM,
TALIPARAMBA TALUK OF KANNUR - 670 307.**
 - 3. VIPIN KUMAR P, S/O. RAVEENDRAN, AGED 28 YEARS,
AUTO DRIVER, RESIDING AT PADAPPENGAD HOUSE,
KARIPPOD, PERINGOME AMSOM AND DESOM,
TALIPARAMBA TALUK OF KANNUR - 670 307.**
 - 4. SREEJITH, S/O. THAMBAN, AGED 32 YEARS,
AUTO DRIVER, PUTHIYEDATH HOSUE,
CHANDRAVAYAL, VAYAKKARA AMSOM AND DESOM,
TALIPARAMBA TALUK OF KANNUR - 670 307.**

BY ADV. SRI.S.UNNIKRISHNAN (VARKALA)

RESPONDENT(S)/DEFACTO COMPLAINANT:

-
- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
 - 2. SHAKESH K.P, S/O. KRISHANAN, AGED 29 YEARS,
AUTODRIVER, KUNHIPURAYIL HOUSE,
VATHILMADA, PERINGOME AMSOM,
TALIPARAMBA TALUK OF KANNUR - 670 307.**

**R1 BY PUBLIC PROSECUTOR SMT.S.HYMA
R2 BY ADV. SRI.MAHESH V RAMAKRISHNAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 25-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE A1 - CERTIFIED COPY OF THE FIRST INFORMATION REPORT
DATED 09.10.14 IN CRIME NO. 727/2014 OF THE PERINGOME
POLICE STATION.
- ANNEXURE A2 - CERTIFIED COPY OF THE CHARGE SHEET DATED 20.12.14
CC NO. 138/2015.
- ANNEXURE A3 - THE AFFIDAVIT DATED 08.6.15 SWORN TO BY THE
RESPONDENTS NO.2 AND ATTESTED BY AN ADVOCATE.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

ALEXANDER THOMAS, J.

Crl.M.C.No.3854 Of 2015

Dated this the 25th day of June, 2015.

ORDER

The petitioners are accused Nos.1 to 4 in Anx-A2 final report/charge sheet filed in Crime No.727/2014 of Peringome Police Station registered for offences under Secs.143,147, 341, 323 r/w 149 of the IPC, which is now pending as C.C.No.138/2015 on the file of the Judicial First Class Magistrate Court, Payyannur. The gist of the prosecution allegation is that on 6.10.2014 at 17:00 hours the accused persons assaulted the defacto complainant and caused bodily injury to him and thus committed the offences as alleged. It is now submitted that the entire disputes have been settled between the parties and that the 2nd respondent (defacto complainant) has sworn to Anx-A3 affidavit wherein he has stated that he has no objection in the quashment of the impugned criminal proceedings pending against the petitioners. It is in the light of these aspects that the petitioners have filed this Crl.M.C seeking the prayer for quashment of the impugned criminal proceedings.

Crl.M.C.No.3854 Of 2015

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 Anx-A2 final report/charge sheet filed in Crime No.727/2014 of Peringome Police Station, which is now pending as C.C.No.138/2015 on the file of the Judicial First Class Magistrate Court, Payyannur and all further proceedings arising therefrom pending against the petitioners herein stand quashed under Sec. 482 of the Code of Criminal Procedure.

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

ALEXANDER THOMAS,
Judge.

bkn/-