

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

Crl.MC.No. 3885 of 2015

**CC 13/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ATTINGAL
CRIME NO. 142/2014 OF CHIRAYINKEEZHU POLICE STATION ,
THIRUVANANTHAPURAM**

PETITIONER(S)/ACCUSED:

1. SREEJITH, AGED 25 YEARS,
S/O.SASIDARAN NAIR, VILAYIL VEEDU, PARAYATHUKONAM
MAMAMNADA, KITTAVILAM VILLAGE,
THIRUVANANTHAPURAM DISTRICT.
2. PRAVEEN, AGED 20 YEARS,
S/O.PRASAD, MEENU BHAVAN, PUTHANVILA
NAINAMKONAM PARAYATHUKONAM, KITTAVILAM VILLAGE,
THIRUVANANTHAPURAM DISTRICT.
3. MANJUNATH, AGED 19 YEARS,
S/O.RETHNAKARAN, ENDUVILA VEEDU, PARAYATHUKONAM
MAMAMNADA, KITTAVILAM VILLAGE,
THIRUVANANTHAPURAM DISTRICT.
4. ARJUNAN, AGED 20 YEARS,
S/O.BHARATHAN, REVATHY BHAVAN, PARAYATHUKONAM,
MAMAMNADA, KITTAVILAM VILLAGE,
THIRUVANANTHAPURAM DISTRICT,

**BY ADVS.SRI.K.S.ARUN KUMAR
SRI.M.S.DILEEP**

RESPONDENT(S)/COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. SANDEEP, AGED 26 YEARS,
S/O.SATHYARAJAN, NAVAIKULAM, NAVAIKULAM,
THIRUVANANTHAPURAM DISTRICT, PIN 695103.

Crl.MC.No. 3885 of 2015

**3. ANNESH, AGED 22 YEARS,
S/O.GOPALAN NAIR, MAYA BHAVAN, THENNORKONAM,
MUDAPURAM, KIZHUVILAM VILLAGE,
THIRUVANANTHAPURAM DISTRICT, PIN 695103.**

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE
R2 & 3 BY ADV. SMT.RESMI THOMAS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 26-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Crl.MC.No. 3885 of 2015

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE I: TRUE COPY OF THE CHARGE IN CC.NO.13/2015 OF THE JUDICIAL
FIRST CLASS MAGISTRATE I ATTINGAL**

ANNEXURE II: TRUE COPY OF THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT

ANNEXURE III:TRUE COPY OF THE AFFIDAVIT SWORN BY THE 3RD RESPONDENT

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

Crl.M.C.No.3885 Of 2015

Dated this the 26th day of June, 2015.

ORDER

The petitioners are the accused in Anx-I final report/charge sheet filed in Crime No.142/2014 of Chirayinkeezhu Police Station registered for offences under Secs.294(b), 341, 323 r/w 34 of the IPC, which is now pending as C.C.No.13/2015 on the file of the Judicial First Class Magistrate Court-I, Attingal. The gist of the prosecution allegation is that the accused attacked the defacto complainants due to previous enmity and thus committed the offences. It is now submitted that the entire disputes have been settled between the parties and that respondents 2 & 3 (defacto complainants) have sworn to Anx-II & III affidavits wherein they have stated that they have 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.

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

Crl.M.C.No.3885 Of 2015

affidavit sworn to by the contesting respondents 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-I final report/charge sheet filed in Crime No.142/2014 of Chirayinkeezhu Police Station, which is now pending as C.C.No.13/2015 on the file of the Judicial First Class Magistrate Court-I, Attingal 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/-