

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

Crl.MC.No. 4380 of 2015 ()

**SC.NO. 696/2011 OF ADDL. DISTRICT & SESSIONS COURT - III, ALAPPUZHA
CRIME NO. 1019/2010 OF ALAPPUZHA NORTH POLICE STATION**

PETITIONERS/DEFACTO COMPLAINANTS :

1. VINOD VINCENT
S/O.VINCENT, AGED 26 YEARS
VALIYAVEETIL HOUSE, WARD NO. X
MARARIKKULAM PANCHAYATH, POOMKAVU,
MARARIKKULAM P.O., ALAPPUZHA.
2. VIPIN VINCENT
S/O. VINCENT, AGED 25 YEARS
VALIYAVEETIL HOUSE, WARD NO. X
MARARIKKULAM PANCHAYATH, POOMKAVU,
MARARIKKULAM P.O., ALAPPUZHA.

BY ADV. SRI.P.S.PRADEEP

RESPONDENTS/COMPLAINANT AND ACCUSED NO. 1 TO 3 :

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT, ERNAKULAM, PIN-682031.
2. SONY,
S/O. JOHN, AGED 33 YEARS
THATTUKADU VEEDU, WARD-XI
MARARIKKULAM SOUTH PANCHAYATH,
ALAPPUZHA, PIN-688 038.
3. TOJI,
S/O. RAPHEL, AGED 27 YEARS
KATTIKADU HOUSE, WARD NO. XI
MARARIKKULAM SOUTH PANCHAYATH,
ALAPPUZHA, PIN-688 038.

4. SEBASTIAN,
S/O. JOSEPH, AGED 28 YEARS
PATHU THAYYIL VEEDU, WARD-VIII
MARARIKULAM SOUTH PANCHAYATH,
ALAPPUZHA, PIN-688 038.

R1 BY PUBLIC PROSECUTOR SRI.R. GITHESH

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 22-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Mn

...3/-

Crl.MC.No. 4380 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

- ANNEXURE A1- TRUE COPY OF THE FIR IN CRIME NO. 1019/2010 OF THE
ALAPPUZHA NORTH POLICE STATION.**
- ANNEXURE A2- TRUE COPY OF THE CHARGE SHEET IN CRIME NO. 1019/2010
OF THE ALAPPUZHA NORTH POLICE STATION.**
- ANNEXURE A2(a)- TRUE COPY OF WOUND CERTIFICATES OF THE 1ST
PETITIONER DATED 25-10-2010.**
- ANNEXURE A2(b)- TRUE COPY OF WOUND CERTIFICATES OF THE 2ND
PETITIONER DATED 25-10-2010.**
- ANNEXURE A3- TRUE COPY OF AFFIDAVIT FILED BY THE 1ST PETITIONER
DATED 7-11-2014.**
- ANNEXURE A3(a)- TRUE COPY OF AFFIDAVIT FILED BY THE 1ST PETITIONER
DATED 14-10-2014.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

ALEXANDER THOMAS, J.

=====

Crl.M.C.No.4380 of 2015

=====

Dated this the 22nd day of July, 2015

O R D E R

The 1st petitioner is CW-1 and the 2nd petitioner herein is CW-2 in the impugned Anx.A-2 final report/charge sheet filed in Anx.A-1 Crime No.1019/2010 of Alappuzha North Police Station, registered for offences punishable under Secs.323, 324 & 308 read with Sec.34 of the I.P.C., which has led to the institution of C.P. No.28/2011 on the file of the Judicial First Class Magistrate's Court, Alappuzha, now on the file of the Addl. Sessions Court-III, Alappuzha, as S.C.No.696/2011. The gist of the allegation is that on 25.10.2015 at about 7.30 p.m. the 1st accused hit the defacto complainant on the back of his head with a hilt of a knife and on seeing that, the 2nd petitioner/CW-2, the brother of the defacto complainant, when tried to resist the attack, was punched on several parts of his body by all the accused together. The 1st petitioner, who is the defacto complainant, is in search of a job abroad and he wants to settle the matter and conclude the criminal proceedings, in

which he is also involved. It is stated that now the entire disputes between the petitioners defacto complainants and respondents 2 to 4 have been settled amicably and that petitioners 1 and 2 have sworn to Anx.A-3 and A-3(a) affidavits before this Court, wherein it is stated that they have settled the entire disputes with the respondents 2 to 4 (accused in the crime) and that they have no objection for quashment of the impugned criminal proceedings pending against respondents 2 to 4. It is in the light of these aspects that the petitioners have preferred the instant Crl.M.C. with the prayer to quash the criminal proceedings in which they are also involved.

2. The accused in the impugned criminal proceedings are contesting respondents 2 to 4 herein. It is mainly for the accused persons concerned to seek quashment of the criminal proceedings. But, whereas in the instant case, the prayer for quashment is sought by the defacto complainants. Accordingly, this petition is closed with liberty to the parties concerned to file a fresh Crl.M.C., wherein the accused persons are also made petitioners therein.

The certified copies of the documents produced as annexures in this case as well as the original of Anxs.A-3 and A-3(a) affidavits

will be returned by the Registry to the petitioners' counsel, if so required by him, but the attested photocopies of such documents should be retained in the case file.

sdk+

Sd/-
ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge