

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

CrI.MC.No. 3970 of 2014 ()

CRIME NO. 403/2010 OF RAJAPURAM POLICE STATION, KASARAGOD DISTRICT

PETITIONERS/ACCUSED :

1. ARUN RENGATHUMALA, AGED 44 YEARS
S/O. LATE CHINNAPPA GOWDA AND CHANDRAVATHI
HOUSE NO.251, WARD NO.VI, KALLAPPALLI
RENGATHUMALA, PANATHADI VILLAGE,
PANATHADI PANCHAYATH.
2. RAMANNA NAIK
AGED 69 YEARS, S/O. MALINGA NAIK
ELECTORAL IDENTITY CARD NO.KL/01/004/303159
HOUSE NO.122, WARD NO.VI, PANATHADI VILLAGE
PANATHADI PANCHAYATH.
3. KUSUMA ARUN RENGATHUMALA, AGED 42 YEARS
W/O. ARUN REMATHUMALA, KALLAPPALLI, RENGATHUMALA
PANATHADI VILLAGE, PANATHADI PANCHAYATH.
4. A.RAJAN, AGED 44 YEARS
S/O. SANKARAN NAMBIAR, NISHALAYAM, EDAKKAD AMSOM
CHALA WEST DESOM, P.O.THOTTADA, KANNUR-7.
5. SARANYA KRISHNAN, AGED 25 YEARS
D/O. P.K.KRISHNAN, KALLAR VILLAGE, RAJAPURAM P.O.
PIN-671 530.
6. RAMU, AGED 42 YEARS
KARIPPAL, KALLAR VILLAGE, P.O.KALLAR
HOSDURG TALUK.
7. JOY JOHN, AGED 55 YEARS
S/O. LATE JOHN, KOTHANALLUR, KOTTAYAM DISTRICT.
8. P.K.KRISHNAN, AGED 66 YEARS
S/O. KORAN, PARAKKAYAM VEEDU, KALLAR VILLAGE
HOSDURG TALUK.

**BY SENIOR ADVOCATE SRI.M.RAMESH CHANDER
BY ADVS.SRI.ANEESH JOSEPH
SMT.DENNIS VARGHESE**

RESPONDENTS/COMPLAINANT & STATE :

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1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.
 2. N.JAYAKUMAR, AGED 42 YEARS
S/O. ANNAKOSE GOWDA, MAVILAMKOTTA HOUSE
P.O.MANADKA-671 541, BANDADKA VILLAGE
KASARAGOD TALUK AND DISTRICT.
 3. GEETHA, AGED 30 YEARS
D/O.ANNAKOSE GOWDA, MAVILANKOTA HOUSE
BANDADKA VILLAGE, KASARAGOD TALUK-671 541.
 4. JANARDHANAN N.A., AGED 36 YEARS
S/O. ANNAKOSE GOWDA, RESIDING AT PADUPPU, KARIVEDAKAM
BANDADKA VILLAGE, KASARAGOD-671 541.
 5. UDAYAKUMAR N.A., AGED 28 YEARS
S/O. ANNAKOSE GOWDA, RESIDING AT PADUPPU
MAVILANKOTTA HOUSE, BANDADKA VILLAGE
KASARAGOD TALUK AND DISTRICT-671 541.
 6. LEELAVATHI N.A., AGED 31 YEARS
D/O. ANNAKOSE GOWDA, RESIDING AT MAVILANKOTTA HOUSE
BANDADKA VILLAGE
KASARAGOD TALUK AND DISTRICT-671 541.
 7. SUMA, AGED 40 YEARS
W/O. RAVEENDRAN & D/O. ANNAKOSE GOWDA
RESIDING AT SULTHAN BATHERY
WAYANAD DISTRICT-671 592.
 8. KEPAKKA, AGED 60 YEARS
W/O. ANNAKOSE GOWDA, RESIDING AT MAVILANKOTA HOUSE
MANADKA, BANDADKA VILLAGE
KASARAGOD TALUK AND DISTRICT-671 541.

R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE
R2 TO R8 BY ADV. SRI.V.TEKCHAND

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 03-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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...3/-

Crl.MC.No. 3970 of 2014 ()

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A1 :** CERTIFIED COPY OF FIRST INFORMATION REPORT IN CRIME NO.403/2010 OF RAJAPURAM POLICE STATION AND COMPLAINT FILED BY THE DEFACTO COMPLAINANT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, HOSDURG AS CMP 5549/2010.
- ANNEXURE A2 :** THE ORIGINAL OF THE AFFIDAVIT SWORN BY 2ND RESPONDENT.
- ANNEXURE A2(a):** THE ORIGINAL OF THE AFFIDAVIT SWORN BY 3RD RESPONDENT ON 18.6.2014.
- ANNEXURE A2(b):** THE ORIGINAL OF THE AFFIDAVIT SWORN BY 4TH RESPONDENT ON 18.6.2014.
- ANNEXURE A2(c):** THE ORIGINAL OF THE AFFIDAVIT SWORN BY 5TH RESPONDENT ON 18.6.2014.
- ANNEXURE A2(d):** THE ORIGINAL OF THE AFFIDAVIT SWORN BY 6TH RESPONDENT ON 18.6.2014.
- ANNEXURE A2(e):** THE ORIGINAL OF THE AFFIDAVIT SWORN BY 7TH RESPONDENT ON 18.6.2014.
- ANNEXURE A2(f):** THE ORIGINAL OF THE AFFIDAVIT SWORN BY 8TH RESPONDENT ON 18.6.2014.
- ANNEXURE A3:** COPY OF THE PLAINT IN OS NO. 12/2015 OF SUBORDINATE JUDGE, HOSDURG.

RESPONDENT(S)' ANNEXURES : NIL

//TRUE COPY//

P.S. TO JUDGE

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B. KEMAL PASHA, J.

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CRL.M.C. No. 3970 of 2014
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Dated this the 3rd day of November, 2015

ORDER

Petitioners are the accused in Crime No.403/2010 of the Rajapuram Police Station, Kasaragod, registered for the offences punishable under Sections 417, 419, 465 and 468 read with Section 34 of IPC.

2. According to the petitioners, the matter involved in this case has already been settled by them with respondents 2 to 8. Respondents 2 to 8 have filed separate affidavits as Annexures A2 to A2(f) affirming that the matter has been amicably settled and they have no complaints against the petitioners.

3. Considering the seriousness of the allegations against the petitioners, and especially when public servants

are also involved in the matter, this Court cannot accept and endorse such a settlement arrived at between the parties. At the same time, the investigating officer can take note of the fact that the matter has been settled between the parties, thereby expediting the investigation and the filing of final report in the matter. With the said observations, this Crl.M.C. is disposed of.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge