

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

Crl.MC.No. 5599 of 2014 ()

CRIME NO. 257/2014 OF MARARIKULAM POLICE STATION , ALAPPUZHA DISTRICT
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PETITIONERS/ACCUSED 1 TO 5:

1. SYAM @ SYAMDAS, AGED 24 YEARS
S/O.V.K.DASAN, KUDUNGANGAL VELI, POLETHAY P.O
ALAPPUZHA DISTRICT.
2. ABHIJITH, AGED 21 YEARS
S/O.HARENDRAN, CHELEKKAD, POLETHAY P.O
ALAPPUZHA DISTRICT.
3. SHYN S, AGED 28 YEARS
S/O.SATHEESAN, KARIKKAD VELI, POLETHAY P.O
ALAPPUZHA DISTRICT.
4. SARATH, AGED 23 YEARS
S/O.SHARGATHARAN, KUTTICHIRA VELI
MARARIKULAM NORTH P.O, CHERTHALA, ALAPPUZHA.
5. PRAVEEN, AGED 38 YEARS
S/O.RAJU, MADATHIVILI, POLETHAY P.O
ALAPPUZHA DISTRICT.

BY ADV. SRI.S.R.SREEJITH

RESPONDENTS/COMPLAINANT AND STATE:

1. SIVASANKAR, AGED 19 YEARS
S/O.RAJAN PILLAI, KUNJISTHAN PARAMBIL
MARARIKULAM NORTH P.O, CHERTHALA, ALAPPUZHA.
2. STATE OF KERALA
THROUGH THE SUB INSPECTOR OF POLICE
MARARIKULAM POLICE STATION
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682 031.

BY ADV. SRI.P.VIJESH KUMAR
R2 BY PUBLIC PROSECUTOR SMT. P. MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 5599 of 2014 ()

APPENDIX

PETITIONERS' EXHIBITS

ANNEXURE A1. COPY OF THE FIR IN CRIME NO.257/2014 OF MARARIKULAM POLICE STATION.

ANNEXURE A2. COPY OF THE AFFIDAVIT SWORN BY THE 1ST RESPONDENT IN THE ABOVE CASE BEFORE THIS HONOURABLE COURT.

ANNEXURE A3. CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 257/2014 OF MARARIKULAM POLICE STATION

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.5599 of 2014

Dated this the 13th day of January, 2015

O R D E R

The petitioners herein are the five accused in C.C.No.257/2014 of the Mararikkulam Police Station, registered under Sections 143, 147, 148, 149, 341, 323 and 324 IPC read with 149 IPC, on the complaint of one Sivasankar. The petitioners now seek orders quashing the prosecution, on the ground that they and Sivasankar have come to terms amicably out of court. The police has already submitted final report in court, and the case is now pending as C.C.No.1741/2014 before the Judicial First Class Magistrate Court-I, Alappuzha. The defacto complainant Sivasankar is the 1st respondent in this proceeding brought under Section 482 Cr.P.C. He has filed affidavit to the effect that he has settled the dispute with the accused, and he has no grievance or complaint. I am well satisfied that the parties have really settled the dispute amicably. In such a situation, continuance of prosecution will not serve any purpose, other than wasting the precious time of the court. Nobody will

support the prosecution, if the case goes to trial.

In the result, this Crl.M.C. is allowed. The prosecution against the petitioner herein in C.C.No.1741/2014 before the Judicial First Class Magistrate Court-I, Alappuzha, will stand quashed under Section 482 Cr.P.C. Accordingly, the petitioner will stand released from prosecution. The bail bond, if any, executed by the petitioner will stand discharged.

Sd/-

P. UBAID, JUDGE

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