

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

Cr1.MC.No. 5900 of 2014  
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CRIME NO. 1282/2014 OF KEEZHVAIPUR POLICE STATION, PATHANAMTHITTA

PETITIONERS/ACCUSED 1-3:  
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1. ANTICHAN AGED 49 YEARS,  
S/O.K.J.GEORGE, KUTHUKALLINKAL HOUSE,  
MALLAPPALLY WEST P.O., PATHANAMTHITTA DISTRICT.
2. SANTHOSH, AGED 41 YEARS,  
S/O.RAJAN K.L., PADAPPANAM POIKAYIL HOUSE,  
PADIMON P.O., PATHANAMTHITTA DISTRICT.
3. BINIL, AGED 39 YEARS,  
S/O.P.P.SUKUMARAN, PAVATHUKATTIL HOUSE,  
KEEZHVAIPUR P.O., PATHANAMTHITTA DISTRICT.

BY ADV. SRI.NIREESH MATHEW

RESPONDENTS/STATE AND DEFACTO COMPLAINANT AND INJURED:  
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1. STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.
2. BERLY KURIAN THOMAS, AGED 24 YEARS,  
S/O.THOMAS KURIAN, THAZHATHEDATHU HOUSE,  
KEEZHVAIPUR P.O., MALLAPPALLY VILLAGE  
PATHANAMTHITTA DISTRICT.
3. THOMAS KURIAN, AGED 64 YEARS,  
S/O.THOMAS, THAZHATHEDATHU HOUSE, KEEZHVAIPUR P.O.  
MALLAPPALLY VILLAGE, PATHANAMTHITTA DISTRICT.

R1 BY SR.PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON  
09-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 5900 of 2014

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A: COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.1282/2014 OF KEEZVAIPUR POLICE STATION.

ANNEXURE B: ORIGINAL OF THE AFFIDAVIT SWORN TO BY THE RESPONDENT NO.2 DATED 14.10.2014.

ANNEXURE C: ORIGINAL OF THE AFFIDAVIT SWORN TO BY THE RESPONDENT NO.3 14.10.2014.

ANNEXURE D: COPY OF THE FIS IN CRIME NO.1282/2014 REGISTERED BY THE KEEZHVAIPUR POLICE STATION

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

PP.A TO JUDGE

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**P.UBAID, J.**

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**Crl.M.C No.5900 of 2014**  
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Dated this the 9<sup>th</sup> day of January, 2015

**O R D E R**

The petitioners herein seek orders quashing the FIR and further proceeding in Crime No.1282/2014 of Keezhvaipur Police Station, Pathanamthitta District, registered under Sections 143, 147, 447, 294(b), 506(i), 323 and 326 r/w 149 of the Indian Penal Code. During investigation, the police deleted Section 326 IPC and incorporated Section 325 IPC. The defacto complainant is one Berly Kurian Thomas. He is the 2<sup>nd</sup> respondent in this proceeding, brought by the accused under Section 482 of the Code of Criminal Procedure. The 2<sup>nd</sup> respondent has filed affidavit to the effect that he has settled the whole dispute with the accused and he has no grievance. The father of the 2<sup>nd</sup> respondent had also sustained injuries in the incident. He is the 3<sup>rd</sup> respondent in this proceeding. He has also filed affidavit that he has no grievance or complaint now, and the whole dispute stands settled. Though the petitioners claim that there are three accused in the crime, there is police report that only the first petitioner is involved in the crime as

accused. Anyway, the whole dispute between the parties now stands settled, and the parties are now on quite cordial terms. In such a situation, further proceedings in the crime will cause harm and hardship to both the parties. When they have come to terms amicably, further proceedings will not serve any purpose also.

In the result, this Criminal Miscellaneous Case is allowed. The FIR and the further proceeding in Crime No.1282/2014 of the Keezhvaipur Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID  
JUDGE**

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