

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

Cr1.MC.No. 7323 of 2015 ()

CC 2542/2015 of JUDICIAL FIRST CLASS MAGISTRATE'S COURT-I,
KOLLAM
CRIME NO. 887/2010 OF KIZHAKKEKALLADA POLICE STATION, KOLLAM

PETITIONERS/ACCUSED NOS.1 TO 5:

1. JAYAPRAKASH,
S/O.THOMAS, ST.MARY VILASAM (THAZHAHIL), PERUNGALAM,
KOLLAM.

2. SAJEEV,
S/O.SELSTIN, KALPADA KODYIL HOUSE, PERUNGALAM P.O.,
MANDROTHURUTH VILLAGE, KOLLAM.

3. ANJELOS @ RIJO,
S/O.RAJAN, RIJO BHAVANAM, PERUNGALAM P.O.,
MANDROTHURUTH VILLAGE, KOLLAM.

4. ANIL @ CHACKO,
S/O.XAVIER, THAZHATHIL HOUSE, PERUNGALAM P.O.,
MANDROTHURUTH VILLAGE, KOLLAM.

5. JOSE PRAKASH,
S/O.STEPHEN, THAZHATHIL HOUSE, PERUNGALAM P.O.
MANDROTHURUTH VILLAGE, KOLLAM.

BY ADV. SRI.GEORGE SEBASTIAN

RESPONDENTS/DEFACTO COMPLAINANT AND STATE:

1. FRANCIS, AGED 33 YEARS,
S/O.XAVIER, FRANCIS BHAVANAM, PERUNGALAM,
MANDROTHURUTH VILLAGE,
PRESENTLY RESIDING AT THIRUHRIDAYAM HOUSE,
KOTTOORMUKKU CHERRY, THEVALAKKARA VILLAGE,
KOLLAM-691001.

Cr1.MC.No. 7323 of 2015 ()

2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.

R1 BY ADVS. SRI.S.JAYAKUMAR (PANAMBIL)
SRI.JOHNSON K.KURIEN
R2 BY PUBLIC PROSECUTOR SMT. MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

DSV/7/12/15

Cr1.MC.No. 7323 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES:

A COPY OF THE FINAL REPORT IN CRIME 887/2010 OF
KIZHAKKEKALLADA POLICE STATION.

B COPY OF THE JUDGMENT DATED 26.10.2015 IN CC 410/2011 OF
JFCM COURT-I, KOLLAM.

C ORIGINAL NOTARIZED AFFIDAVIT SWORN TO BY THE 1ST
RESPONDENT DATED 27.10.2015.

RESPONDENTS' ANNEXURES:

NIL

// True Copy //

P.A. To Judge

DSV/7/12/15

B.KEMAL PASHA, J.

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Crl.M.C. No.7323 of 2015

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Dated this the 7th day of December, 2015

ORDER

Petitioners are accused in C.C.No.2542 of 2015 of the Judicial First Class Magistrate's Court-I, Kollam, which has arisen from Crime No.887 of 2010 of the Kizhakkekallada Police Station, registered for the offences punishable under Sections 143, 147, 148, 341, 323 and 324 read with Section 149 of the Indian Penal Code.

2. After investigation, a Final Report was filed and the matter was taken cognizance of by the Judicial First Class Magistrate's Court-I, Kollam as C.C.No.410 of 2011. In the said case, all the accused, except the petitioners, faced trial and they

were acquitted by the learned Magistrate as per Annexure-B judgment. Consequently, the case against the petitioners is split up and re-filed as C.C.No.2542 of 2015.

3. The matter has been amicably settled between the petitioners and the defacto complainant, who is the 1st respondent herein. The defacto complainant has filed Annexure -C affidavit affirming that the matter has been amicably settled between him and the petitioners and he has no complaints against the petitioners.

4. No criminal antecedents have been reported against the petitioners. When the matter has been amicably settled, no purpose would be served in proceeding with the matter further, and therefore, all further proceedings in C.C.No.2542 of 2015 pending before the Judicial First Class Magistrate's Court-I, Kollam, as against the petitioners, based on Annexure-A Final Report in Crime No.887 of 2010 of the Kizhakkekallada Police Station, can be quashed.

In the result, this Crl.M.C. is allowed and all further proceedings in C.C.No.2542 of 2015 pending before the Judicial First Class Magistrate's Court-I, Kollam, as against the petitioners, based on Annexure-A Final Report in Crime No.887 of 2010 of the Kizhakkekallada Police Station, are hereby quashed.

Sd/-

**B.KEMAL PASHA
JUDGE**

DSV/7/12/15

// True Copy //

P.A. To Judge