

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

Cr1.MC.No. 6174 of 2014

IN CC 372/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
KUTHUPARAMBA

CRIME NO. 419/2013 OF PERAVOOR POLICE STATION , KANNUR

PETITIONERS/ACCUSED NO.1 TO 3:

1. SUDHEER V.K, AGED 41 YEARS,
S/O. PADMANABHAN, VADAKKEKARAMMAL HOUSE, MADAPPURACHAL,
MANATHANA AMSOM, MANATHANA P.O., KANNUR DISTRICT
PIN-670674.
2. RAMESAN V.V, AGED 39 YEARS,
S/O. ACHUTHAN, VAZHAVALAPPIL HOUSE, PATTYAM AMSOM,
KOTTAYODI, MANATHANA P.O., KANNUR DISTRICT,
PIN-670674.
3. SANTHOSH, AGED 35 YEARS,
S/O. MATHEW, KUTTIKANDATHIL HOUSE, KANICHAR AMSOM,
CHANAPPARA, KANICHAR P.O., KANNUR DISTRICT
PIN-670674.

BY ADVS.SRI.ABU MATHEW
SRI.AJU MATHEW
SRI.ABHILASH MATHOOR

RESPONDENTS/COMPLAINANT AND DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682031.
2. JAISON, AGED 43 YEARS,
S/O. JOSEPH, KIZHAKKEDATH HOUSE, KANICHAR DESOM,
MANATHANA AMSOM, ANANGODE, MANATHANA P.O,
IRITTY TALUK, KANNUR DISTRICT, PIN-670674.

R2 BY ADV. SRI.VINUCHAND
R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 14-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 6174 of 2014

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1- CERTIFIED COPY OF THE FIR DATED 16-08-2013 IN CRIME NO. 419 OF 2013 OF PERAVOOR POLICE STATION AND FINAL REPORT SUBMITTED IN C.C.NO. 372 OF 2014 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KUTHUPARAMBA.

ANNEXURE A2- ORIGINAL AFFIDAVIT EXECUTED BY THE DEFACTO COMPLAINANT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.6174 of 2014

Dated this the 14th day of January, 2015

O R D E R

The petitioners herein are the three accused in C.C No.372/2014 of the Judicial First Class Magistrate Court, Kuthuparamba. The offences involved are under Sections 363 and 392 r/w 34 of the Indian Penal Code. The defacto complainant who made complaint in this case is one Jaison. The petitioners now seek orders quashing the prosecution as against them on the ground that they and the defacto complainant have amicably settled the dispute out of court. The defacto complainant Jaison is the second respondent in this proceeding. He has filed affidavit to the effect that he has settled the whole dispute with the accused, and he has no complaint or grievance now. It is submitted that the accused and the complainant are close friends, and the complaint happened to be made on some misapprehension. I am well satisfied that there is a real and genuine settlement between the parties, and now they are on quite cordial terms. 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 against the petitioners goes to trial.

In the result, this Criminal Miscellaneous Case is allowed. The prosecution against the petitioners herein in C.C No.372/2014 before the Judicial First Class Magistrate Court, Kuthuparamba, will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

**P.UBAID
JUDGE**

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