

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

CrI.MC.No. 6364 of 2014 ()

**CRIME NO. 1177/2014 OF KAZHAKKOOTTAM POLICE STATION ,
THIRUVANANTHAPURAM**

PETITIONER(S)/ACCUSED NO. 1 TO 3:

- 1. AMAL AGED 28 YEARS
S/O. SOMAN, TC 12/937, BARTON HILL
VANCHIYOOR, TRIVANDRUM.**
- 2. SIVAPRASAD AGED 28 YEARS
S/O. JAYAKUMARA NAIR, SIVASAKTHI NILAYAM, PIRAVILAKOM
VIZHINJAM, TRIVANDRUM.**
- 3. PRABATH @ SAJI AGED 28 YEARS
S/O. RAJEEV KUMAR, KULAVARAMBIL VEEDU, S.N.R.A
A-20, ANAYARA, VENPALAVATTOM.**

BY ADV. SRI.BIBIN KUMAR

RESPONDENT(S):

- 1. AMIYON CHACKO MIRANDA, AGED 21 YEARS
S/O. HIMA CHACKO, HIMA NIVAS, THUMBARA NAGAR
MUNDACKALL, IRVIPURAM, KOLLAM.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA.**

**R1 BY ADV. SRI.IEANS.C.CHAMAKKALA
R2 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:**

Crl.MC.No. 6364 of 2014 ()

APPENDIX

PETITIONER(S)' EXHIBITS :

A1 - CERTIFIED COPY OF THE FIR

A2 - AFFIDAVIT OF THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 6364 of 2014

Dated this the 14th day of January, 2015.

ORDER

The petitioners herein are the three accused in C.C No.1580/2014 of the Judicial first Class Magistrate Court – II, Attingal, involving the offence punishable under Section 394 and 34 of IPC. The de facto complainant who made complaint in this case is one Amiyon Chacko Miranda. He is the first respondent herein. The petitioners seek orders quashing the prosecution on the ground that they and the complainant have come to terms amicably out of court. On instruction the learned Public Prosecutor submitted that the petitioners are not involved in any other crime of similar nature, and they are not persons of bad antecedents. The first respondent has filed affidavit to the effect that he has settled the dispute with the accused, and he has no grievance or complaint now. There is reason to believe that the complaint in fact happened to be made on some misapprehension. Anyway, the parties have come to terms, and they are now on quite cordial terms. In such a situation, continuance of prosecution will not serve any purpose, because the material witnesses will not support the prosecution, if the case goes

to trial.

In the result, this petition is allowed. The prosecution against the petitioners in C.C No.1580/2014 of the Judicial First Class Magistrate Court -II, Attingal will stand quashed under Section 482 Cr.P.C. The petitioners will, accordingly, stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

P.UBAID,
JUDGE

sab