

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

Crl.MC.No. 6873 of 2014

C.C.NO.584/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, VAIKOM

PETITIONER(S)/ACCUSED:

**DILEEP, AGED 28 YEARS, S/O.AYYAPPANKUTTY,
RESIDING AT POTHOLIL HOUSE, PAZHOOR P.O,
MANEED VILLAGE, PIRAVOM, ERNAKULAM - 686 664**

BY ADV. SMT.LISY T.SKARIA

RESPONDENT(S):

- 1. JISHA P. JOSE, AGED 26 YEARS,
D/O.JOSE P.ABRAHAM,
RESIDING AT PARAKKAL HOUSE, ERAVIMANGALAM P.O,
MANJOOR VILLAGE, VAIKOM TALUK KOTTAYAM, PIN-686 613.**
- 2. T.C.JAYA, AGED 50 YEARS, W/O.JOSE P.ABRAHAM,
RESIDING AT PARAKKAL HOUSE, ERAVIMANGALAM P.O,
MANJOOR VILLAGE, VAIKOM TALUK KOTTAYAM, PIN-686 613.**
- 3. STATE OF KERALA,
THROUGH SI OF POLICE,
KADUTHURUTHY AND DULY REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

**R1 & R2 BY SRI.JOSE KURIAKOSE (VILANGATTIL)
R3 BY PUBLIC PROSECUTOR SRI.JIBU.P.THOMAS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE 1: THE TRUE COPY OF THE FIRST INFORMATION REPORT AND
CHARGE IN CC.584/2012 OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT VAIKOM.**

**ANNEXURE 2: THE TRUE COPY OF THE AGREEMENT OF SETTLEMENT
ARRIVED BETWEEN THE PETITIONER AND RESPONDENTS.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B.KEMAL PASHA, J.

Crl.M.C.No.6873 of 2014

Dated this the 15th day of January 2015

ORDER

The accused in C.C. No.584/2012 of Judicial First Class Magistrate's Court, Vaikom, which has arisen from Crime No.892/2012 of Kaduthuruthy Police Station registered for the offences punishable under Sections 452 and 354 of the Indian Penal Code, has come up under Section 482 of Code of Criminal Procedure for getting the proceedings in the criminal case against him, quashed.

2. The case against the petitioner is that on 4.12.2012 at 4.30 p.m., the petitioner, out of previous enmity towards the daughter of the de-facto complainant, with the intention of outraging her modesty for causing evil repute to her, committed house trespass into the house when the daughter of the de-facto

complainant alone was present there and caught hold of her, thereby outraging her modesty. She could escape from the clutches of the petitioner and get out of the house, and to lock it. She called her mother, who is the de-facto complainant herein, over the phone. The attention of the neighbours were alerted and they gathered. The petitioner was caught red handed from the house.

3. According to the petitioner, the matter involved in this case has been amicably settled between the parties and presently the de-facto complainant and her daughter have no complaints against the petitioner.

4. A compromise agreement has been entered into between the de-facto complainant and her daughter on the one part and the petitioner on the other part. The victim girl has also filed a detailed affidavit stating that the matter has been amicably settled. According to the victim girl, the matter has been amicably settled on account of the intervention of the mediators and presently, she

has no complaints against the petitioner. She has entered appearance through her counsel. The learned counsel for the victim girl also submits that the affidavit has been sworn in by the victim girl herself.

5. Heard the learned counsel for the petitioner, the learned counsel for the de-facto complainant and the victim girl and the learned Public Prosecutor.

6. The victim girl in this case has already been given in marriage and presently, she is residing happily with her husband. In case her husband comes to know about the matters involved in this case, which had occurred for no fault of her, there is a chance of skirmishes in her family.

7. When the matters involved have been amicably settled between the parties and by considering the aforesaid circumstance, pointed out by the learned counsel for the de-facto complainant, I am of the view that Annexure A1- Final report and all consequent

proceedings in C.C. No.584/2012 of Judicial First Class Magistrate's Court, Vaikom on it, in Crime No.892/2012 of Kaduthuruthy Police Station, can be quashed.

In the result, this Crl.M.C. is allowed. Annexure A1- Final report and all consequent proceedings in C.C. No.584/2012 of Judicial First Class Magistrate's Court, Vaikom on it, in Crime No.892/2012 of Kaduthuruthy Police Station, are quashed.

Sd/-
B.KEMAL PASHA,
JUDGE

dl

// TRUE COPY //

PA to Judge