

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

Crl.MC.No. 7032 of 2014

**CC 406/2008 of JUDICIAL FIRST CLASS MAGISTRATE COURT,
RAMANKARI, DATED 30-03-2010
CRIME NO. 87/2008 OF NEDUMUDI POLICE STATION , ALAPPUZHA**

PETITIONER/ACCUSED NO.4:

**ARUN, AGED 32 YEARS
S/O PRASAD, MANNADIKERICHIRA VEEDU, NEDUMUDY P.O.
ALAPPUZHA.**

BY ADV. SRI.P.SHANES METHAR

RESPONDENTS/STATE AND COMPLAINANT:

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

**2. SURENDRAN, AGED 52 YEARS
S/O VASU, ARITHA BHAVAN, NEDUMUDY P.O.
ALAPPUZHA-688026.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS
R2 BY ADV. SRI.K.S.PRAVEEN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 04-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Crl.MC.No. 7032 of 2014

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE 1: CERTIFIED COPY OF THE CHARGE SHEET IN CRIME NO.87/2008 OF
NEDUMUDY POLICE STATION, ALAPPUZHA DISTRICT.**

**ANNEXURE II: CERTIFIED COPY OF THE JUDGMENT IN C.C NO.406/2008 ON THE FILE
OF JFCM, RAMANKARY, ALAPPUZHA DISTRICT.**

ANNEXURE III: AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

ANNEXURE IV: AFFIDAVIT SWORN BY THE WIFE OF THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B.KEMAL PASHA, J.

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Crl.M.C.No. 7032 of 2014

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Dated this the 4th day of February, 2015

ORDER

The petitioner is the 4th accused in Crime No.87 of 2008 of the Nedumudy Police Station registered for the offences punishable under Sections 143, 147, 148, 354, 427, 448 and 506(ii) read with Section 149 of the Indian Penal Code.

2. Presently the proceedings against the petitioner is pending as L.P.No.13 of 2010 before the Judicial First Class Magistrate's Court, Ramankary.

3. After investigation, the Final Report was filed in the matter and the case was taken on file by the Judicial First Class Magistrate's Court, Ramankary as C.C.No.406 of 2008. The other accused, except the petitioner, faced trial and all of them were acquitted through judgment dated

30.03.2010.

4. According to the petitioner, the matter has been amicably settled between him and CWs 1 and 2, who are the injured in the said case. He has come up with the prayer for getting Annexure-I Final Report in Crime No.87 of 2008 of the Nedumudy Police Station as against him and the consequent proceedings in L.P.No.13 of 2010 of the court below, quashed.

5. CWs 1 and 2 have entered appearance and they have filed separate affidavits affirming that the matter has been amicably settled between them and the petitioner and presently, they have no complaints against the petitioner.

6. Especially when all the other accused in the case were acquitted and presently the matter has been amicably settled between the petitioner and as CWs 1 and 2 have no complaints against the petitioner, I am of the view that Annexure-I Final Report in Crime No.87 of 2008 of the Nedumudy Police Station and the consequent proceedings in L.P.No.13 of 2010 of the Judicial First Class Magistrate's Court, Ramankary, as against the petitioner, can be

quashed.

In the result, this Crl.M.C is allowed and Annexure-I Final Report in Crime No.87 of 2008 of the Nedumudy Police Station as against the petitioner and the consequent proceedings in L.P.No.13 of 2010 of the Judicial First Class Magistrate's Court, Ramankary, as against the petitioner, are hereby quashed.

Sd/-

**B. KEMAL PASHA
JUDGE**

DSV/4/2/15

// True Copy //

P.A. To Judge

Crl.M.C.No.7032 of 2014

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