

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 1936

Crl.MC.No. 7074 of 2014 ()

C.C. NO.88/2010 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KOLLAM.
CRIME NO. 226/2009 OF KILIKOLLOOR POLICE STATION.

PETITIONER/ACCUSED:

SAMUEL, S/O. FRANCIS, AGED 45 YEARS,
MINI BHAVAN, MANGAD CHERRY,
MANGAD VILLAGE, KOLLAM DISTRICT.

BY ADV. SRI.GEORGE SEBASTIAN.

RESPONDENTS/INJURED AND STATE:

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- 1. JESSY MARY JOSEPH, D/O. RAJEENA,**
AGED 42 YEARS, KUZHUVILA HOUSE,
NEAR ST. ANTONY'S SCHOOL, MANGAD CHERRY,
MANGAD VILLAGE, KOLLAM DISTRICT.
 - 2. JOSEPH, S/O. KURIAN,**
AGED 78 YEARS, KUZHUVILA HOUSE,
NEAR ST. ANTONY'S SCHOOL, MANGAD CHERRY,
MANGAD VILLAGE, KOLLAM DISTRICT.
 - 3. RAJEENA, W/O. JOSEPH,**
AGED 72 YEARS, KUZHUVILA HOUSE,
NEAR ST. ANTONY'S SCHOOL, MANGAD CHERRY,
MANGAD VILLAGE, KOLLAM DISTRICT.
 - 4. STATE OF KERALA,**
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R1 TO R3 BY ADV. SRI.M.AJITH (KARICODE).
R4 BY PUBLIC PROSECUTOR SRI.SREEJITH. V.S.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 06-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE A - A CERTIFIED COPY OF THE FIR IN CRIME NO. 226/2009 OF KILIKOLLOOR POLICE STATION.**
- ANNEXURE B - A TRUE COPY OF THE FINAL REPORT IN CRIME NO.226/2009 OF KILIKOLLOOR POLICE STATION WHICH IS NOW PENDING AS CC NO. 88/2010 OF JFCM COURT - I, KOLLAM.**
- ANNEXURE C - ORIGINAL NOTARIZED AFFIDAVIT DATED 04.10.2014 SWORN TO BY THE 1ST RESPONDENT.**
- ANNEXURE D - ORIGINAL AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT DATED 09.12.2014.**
- ANNEXURE E - ORIGINAL AFFIDAVIT SWORN TO BY THE 3RD RESPONDENT DATED 09.12.2014.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

B.KEMAL PASHA, J.

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CRL.M.C. No.7074 of 2014
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Dated this the 6th day of January, 2015

ORDER

Petitioner is the accused in Crime No.226/2009 of the Kilikolloor Police Station, registered for the offences punishable under Sections 451, 323, 427, 294B and 354 of the Indian Penal Code, presently pending as C.C.88/2010 before the Judicial First Class Magistrate's Court-I, Kollam. He has come up with this petition under Section 482 of the Cr.P.C to get the present proceedings against him in pursuance of Annexure-B final report in C.C.88/2010 of the Judicial First Class Magistrate's Court-I, Kollam which has arisen from Crime No.226/2009 of the Kilikolloor Police Station, quashed.

2. The allegation against the petitioner is that on 10.05.2009 at 11.30 a.m., he trespassed into the house of

the defacto complainant, abused her and tore her cloth. It is alleged that he has beaten CW2 and CW3.

3. Heard learned counsel for the petitioner, the learned counsel for the defacto complainant and the learned Public Prosecutor.

4. The defacto complainant is CW1. CWs1 to 3 are impleaded as respondents 1 to 3. Respondents 1 to 3 have filed separate affidavits. The matters in dispute have already been settled and presently CWs1 to 3 have no complaints against the petitioner. They have entered appearance through their counsel. Their counsel also endorses the fact that the affidavits have been sworn in by CWs.1 to 3 on their own volition. When the matter has been amicably settled, it is only just and proper in the interest of justice to quash all further proceedings in Annexure B final report in C.C.No.88/2010 of the Judicial First Class Magistrate's Court-I, Kollam.

In the result, this Crl.M.C is allowed and all further

proceedings in Annexure-B final report in C.C.88/2010 of the Judicial First Class Magistrate's Court-I, Kollam which has arisen from Crime No.226/2009 of the Kilikolloor Police Station, are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge