

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 19361

Crl.MC.No. 7246 of 2014 ()

CC. NO.806/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ATTINGAL.

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PETITIONERS/A1 & A2:

- 1. MANU MOHAN, AGED 29 YEARS,
S/O.MADHU MOHAN, MANU BHAVAN, MALAYILKONAM,
PLAMOODU, AYIROOPPARA VILLAGE, THIRUVANANTHAPURAM.**
- 2. SUBIN SUGATHAN, AGED 23 YEARS,
S/O.SUGATHAN, RADHIKA BHAVAN, POIKAVILA ROAD,
TOWN WARD, POTHENCODE, ANDOORKONAM VILLAGE,
THIRUVANANTHAPURAM.**

BY ADV. SRI.SHAJIN S.HAMEED.

RESPONDENTS/STATE & CW1:

- 1. STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
POTHENCODE POLICE STATION,
REPRESENTED THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SURJITH, AGED 29 YEARS,
S/O.VIMAL KUMAR, KONATHU VEEDU,
NEAR YMA READING CENTRE, KATTAIKONAM,
AYIROOPPARA VILLAGE,
THIRUVANANTHAPURAM, PIN-695 310.**

**R1 BY PUBLIC PROSECUTOR SMT.S. HYMA.
R2 BY ADV. SRI.A.K.RAJESH.**

**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- FREE COPY OF THE FINAL REPORT IN CRIME NO.576/2011
 OF POTHENCODE POLICE STATION.**

**ANNEXURE B- AFFIDAVIT OF THE 2ND RESPONDENT/CW1 STATING
 SETTLEMENT OF DISPUTE.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

P.UBAID, J.

Crl..M.C.No. 7246 OF 2014

Dated this the 6th day of January, 2015

O R D E R

The petitioners herein are the two accused in C.C. No.806/2011 of the Judicial 1st Class Magistrate Court-I, Attingal. Crime in the said case was registered under Sections 294 (b), 341,323 read with Section 34 of IPC. on the complaint of one Surijith. The petitioners now seek orders quashing the prosecution on the ground that they and Surijith have come to terms amicably out of Court. Of course the offences under Sections 341 & 323 IPC are compoundable. But the petitioners seek orders under section 482 of the Code of Criminal Procedure, because the offence under Section 294(b) IPC is non compoundable. The parties have comes to terms amicably. The de facto complainant Surjith is the second respondent herein. He has filed affidavit to the effect that he has no grievance or complaint. In such a situation, the prosecution can be quashed.

In the result, the petition is allowed. The prosecution against the petitioner in C.C. No.806/2011 before the Judicial 1st Class Magistrate Court I, Attingal, will stand quashed under Section 482 Crl.P.C.

Sd/-

P.UBAID, Judge.

dpk

/True copy/ PS to Judge.