

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

Crl.MC.No. 7329 of 2014

**CC 506/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - II,
THIRUVANANTHAPURAM**
.....

PETITIONER(S)/ACCUSED NOS 2 TO 5:

- 1. SREEVIDYA, AGED 40 YEARS,
D/O. THANKAMMA, RAJADHANI, T/C NO. 43/480,
KMALESWARAM, MUTTATHARA, THIRUVANANTHAPURAM.**
- 2. SHAJI, AGED 46 YEARS,
S/O. PRABHAKARAN NAIR, RAJADHANI, T/C NO. 43/480,
KMALESWARAM, MUTTATHARA, THIRUVANANTHAPURAM.**
- 3. SANTHOSH, AGED 42 YEARS,
S/O. GOPINATHAN, T/C NO. 43/262, H.NO. 18,
KMALESWARAM, MUTTATHARA, THIRUVANANTHAPURAM.**
- 4. ANAND, AGED 24 YEARS,
S/O. VIJAYAKUMAR, RAJADHANI, T/C NO. 43/480
KMALESWARAM, MUTTATHARA, THIRUVANANTHAPURAM.**

BY ADV. SMT.V.P.SATHI

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
OFFICE OF THE ADVOCATE GENERAL,
HIGH COURT OF BUILDINGS, ERNAKULAM.**
- 2. SHEEJA, AGED 43 YEARS,
D/O. THANKAMANI, SREERAGAM,
AZHAKULAM DESOM, VENGANOOR VILLAGE,
THIRUVANANTHAPURAM, NOW RESIDING AT T/C 43/412,
KMALESWARAM, MANACAUD P.O., THIRUVANANTHAPURAM.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS
R2 BY ADV. SRI.SABU S.KALLARAMOOLA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
26-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 7329 of 2014

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE 1 - CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 1174/2013 OF
POONTHURA POLICE STATION.**

ANNEXURE 2 - AFFIDAVIT OF 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B.KEMAL PASHA, J.

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Crl.M.C.No.7329 of 2014

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Dated this the 26th day of March, 2015

ORDER

The accused in C.C.No.506/2014 of the Judicial First Class Magistrate's Court-II, Thiruvananthapuram which has arisen from Crime No.1174/2013 of Poonthura Police Station for the offences punishable under Sections 323,324,506(2) and 354 read with Section 34 IPC have come up under Section 482 Cr.P.C, for getting Annexure-1 Final Report in Crime No.1174/2013 of the Poonthura Police Station and consequent proceedings in C.C.No.506/2014 pending before the Judicial First Class Magistrate's Court-II, Thiruvananthapuram, quashed.

2. The prosecution case is that on 8.12.2013 at 2 pm, the petitioners had attacked the de facto complainant woman. It is alleged that the 1st petitioner caught hold of her hair and beat her with a stick, the 2nd petitioner slapped on her left cheek and the 3rd petitioner kicked on her abdomen and intimidated her showing a chopper. The 4th petitioner is allegedly caught on her chest and the 5th petitioner caught on her neck and dragged her.

3. According to the petitioners, the matter has been amicably settled between the petitioners and the de facto complainant (2nd respondent herein) and presently, the de facto complainant has no complaints against the petitioners.

4. The 2nd respondent has entered appearance and filed a detailed affidavit affirming that the matter has been amicably settled between her and the petitioners. According to the de facto complainant, she has no complaints against the petitioners and she has also prayed for quashing the proceedings.

5. Heard the learned counsel for the petitioners, the learned counsel for the de facto complainant and the learned Public Prosecutor. It has come out that all the persons are members of the same family and the incident had occurred as a result of a dispute with regard to a property.

6. When the matter has been amicably settled between the parties, who are the members of the same family, I am of the view that, it is just and expedient in the interest of justice to quash the proceedings.

In the result, this Crl.M.C is allowed and Annexure-1 Final Report in Crime No.1174/2013 of the Poonthura Police Station

and all further proceedings based on it in C.C.No.506/2014 pending before the Judicial First Class Magistrate's Court-II, Thiruvananthapuram, are hereby quashed.

B.KEMAL PASHA, JUDGE

sj