

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

Crl.Rev.Pet.No. 403 of 2014

CMP 39/2013 OF JUDICIAL FIRST CLASS MAGISTRATE, MATTANNUR.

REVISION PETITIONER(S)/ACCUSED 1 TO 6:

1. KALAN SAJEEVAN,
S/O.KARONNAN NARAYANA KURUP,
AGED 42 YEARS, SAROVARAM, NADUVANAD,
THALASSERY.
2. A.V.RENJITH KUMAR,
S/O.KUNHIKRISHNA KURUP, AGED 43 YEARS,
RENJITH NIVAS, NADUVANAD.
3. MUKUNDAN, S/O.KOYITTI GOPALAN NAMBIAR,
AGED 38 YEARS, CHEERAPARAMBA, NADUVANAD.
4. SAHADEVAN, S/O.GOVINDAN NAMBIAR,
AGED 42 YEARS, MARIYANDIKANDI, NADUVANAD.
5. PURUSHOTHAMAN.K.K., S/O.KUMARAN,
AGED 42 YEARS, KRISHNA NIVAS, KOTTURANHAL,
NADUVANAD.
6. MANOHARAN KAVALAN, S/O.GOVINDAN,
AGED 51 YEARS, ANUGRAHA, CHALAKANDY,
NADUVANAD P.O.

BY ADV. SRI.CIBI THOMAS

RESPONDENTS/COMPLAINANT/ACCUSED 6 AND 7 AND STATE:

1. K.DHAKSHAYANI, W/O.BALAKRISHNAN,
AGED 39 YEARS, PUTHIYA VEEDU, NADUVANAD,
CHAVASSERY AMSOM, ULIYIL DESOM, PIN-670705.
2. AKBAR.S., CPO, MATTANNUR POLICE STATION,
KANNUR DISTRICT-670001.
3. THAHIRA, CPO, MATTANNUR POLICE STATION,
KANNUR DISTRICT-670001.

Crl.Rev.Pet.No. 403 of 2014

**4. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM-682031.**

**R1 BY ADV. SRI.T.B.SHAJIMON
R2 & R3 BY ADV. SMT.T.J.SEEMA
R3 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS**

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY
HEARD ON 12-02-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:**

mbr/

APPENDIX

PETITIONER'S ANNEXURES:

- ANNEXURE I:** TRUE COPY OF THE COMPLAINT FILED BY THE
1ST PETITIONER BEFORE THE JUDICIAL 1ST CLASS
MAGISTRATE COURT, MATTANNUR.
- ANNEXURE II:** TRUE COPY OF THE SWORN STATEMENT OF CW1.
- ANNEXURE III:** TRUE COPY OF THE SWORN STATEMENT OF CW2.
- ANNEXURE IV:** TRUE COPY OF THE ORDER IN CMP 39/2013 BEFORE THE
JUDICIAL 1ST CLASS MAGISTRATE MATTANNUR.
- ANNEXURE V :** TRUE COPY OF THE AGREEMENT.
- ANNEXURE VI:** TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER
BEFORE THE MATTANNUR POLICE ON 22.9.2012.
- ANNEXURE VII:** TRUE COPY OF THE MC 42/2013 FILED UNDER PWDC ACT.
- ANNEXURE A1 :** A TRUE COPY OF THE NOTARIZED AFFIDAVIT SWORN IN BY
THE 1ST RESPONDENT.
- ANNEXURE A2:** A TRUE COPY OF THE NOTARIZED AFFIDAVIT DATED 31.1.2015
SWORN IN BY THE 1ST RESPONDENT.

RESPONDENT'S ANNEXURES: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

B.KEMAL PASHA, J.

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Crl.R.P. No.403 of 2014

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Dated this the 12th day of February, 2015

ORDER

The accused in C.C.No.3573 of 2013 of the Judicial First Class Magistrate's Court, Mattannur, have come up in revision challenging order dated 29.11.2013 passed by said court, whereby the private complaint filed against them was taken on file as C.C.No.3573 of 2013 after Section 202 Cr.P.C. inquiry.

2. Through the said order the learned Magistrate has found that there is *prima facie* case to proceed for the offences under Sections 452 and 427 read with Section 34 IPC as against the petitioners herein and consequently, cognizance was taken for the same.

3. According to the petitioners, the matter has been amicably settled between them and the defacto complaint, who is the 1st respondent herein and presently the 1st respondent has no complaints against the petitioners. The 1st respondent has filed an affidavit affirming that the petitioners

are her brothers and the matter has been amicably settled between her and the petitioners, who are her brothers. Presently she has no complaints against the petitioners. She has entered appearance through her counsel and the learned counsel for the 1st respondent also endorses the fact that the affidavit has been sworn in by the 1st respondent on her own volition, and the matter has been amicably settled. When the parties are blood-relations and the matter has been amicably settled between the parties, it is just and proper in the interest of justice to set aside Annexure-IV order, whereby cognizance was taken by the court below.

In the result, this Crl.R.P. is allowed and Annexure-IV order of taking cognizance passed in C.M.P.No.39 of 2013 of the Judicial First Class Magistrate's Court, Mattannur, are set aside.

Sd/-
B.KEMAL PASHA
JUDGE

DSV/12/2/15

// True Copy //

P.A. To Judge

