

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 27TH DAY OF APRIL 2012/7TH VAISAKHA 1934

Crl.MC.No. 1486 of 2012

[C.C.138/11 (LPR 361/11) OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT NO.1, THRISSUR,
CRIME NO.531/07 OF CHERPU POLICE STATION]
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PETITIONER/ACCUSED:

VENUGOPAL,
S/O VASUDEVAN, CHAKKUMKULANGARA VEETIL,
AKALUR, PATHIRIPALA DESOM, LAKKIDI VILLAGE,
PALAKKAD.

BY ADV. SRI.P.SANTHOSH (PODUVAL).

RESPONDENTS/DEFACTO COMPLAINANT & STATE:

1. PUSHPARAJAN,
S/O DIVAKARAN, EDAPPILLY VEETIL,
KANAMKULANGARA DESOM,
CHIYARAM VILLAGE, THRISSUR DISTRICT.

2. STATE OF KERALA,
REPERSENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.M.REVIKRISHNAN,
R2 BY PUBLIC PROSECUTOR SRI. P.P.PADMALAYAN.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 27-04-2012, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

CRL.M.C. NO.1486/2012:

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE A: COPY OF THE FINAL REPORT IN CRIME NO.531/07 OF CHERPU
POLICE STATION.**

ANNEXURE B: AFFIDAVIT SWORN BY THE R.2/DEFACTO COMPLAINANT.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.A. TO JUDGE.

Prv.

A.M.SHAFFIQUE, J.

Crl. M.C. No. 1486 of 2012

Dated this the 27th April, 2012

ORDER

The Crl.M.C. is filed for quashing Annexure A final report in C.C.No.138/2011 (LPR No.361/2011) pending before the Judicial First Class Magistrate Court -I, Thrissur (Crime No. 531/2007 of Cherpu Police Station) for offences punishable under Sections 341, 323, 324 r/w Section 34 of the Indian Penal Code.

2. Originally the case was numbered as C.C.1842/2007 of the J.F.C.M. Court-I, Thrissur against the accused. Accused Nos. 2 and 3 faced trial and were acquitted. The case against the petitioner was split up as he was absconding and pending as L.P.R. No.361/2011 in C.C.No. 138/2011.

3. The de facto complainant/1st respondent has filed an affidavit as Annexure B stating that the matter has been settled between the parties and there is no surviving dispute.

4. Though the offences are not compoundable, in view of the judgments of the Supreme Court in **Joshi v. State of Haryana** [2003 (2) KLT 1062 (SC)], **Madan Mohan Abbot v.**

State of Punjab [AIR 2008 (S.C.) 1969], Nikhil Merchant v. C.B.I. [2008(3) KLT 769] and Manoj Sharma v. State [2008(4) KLT 417], the dispute being of a personal nature, there is no reason to proceed with the trial in the case. The other accused were already acquitted.

5. In the above circumstances, C.C.No.1223/2011 pending before the Judicial First Class Magistrate Court -I, Thrissur pursuant to Annexure A-2 charge sheet against the petitioner is hereby quashed.

Crl.M.C. is disposed of as above.

A.M. SHAFFIQUE, JUDGE.

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