

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE BASANT BALAJI

FRIDAY, THE 28TH DAY OF APRIL 2023 / 8TH VAISAKHA, 1945

CRL.MC NO. 3338 OF 2023

**CRIME NO.560/2022 OF KODANAD POLICE STATION, ERNAKULAM
CC 498/2022 OF JUDICIAL MAGISTRATE OF FIRST CLASS - III,
PERUMBAVOOR**

PETITIONERS/ACCUSED 2 TO 4:

- 1 ASHIK K S
AGED 23 YEARS
KALABATTUKUDY HOUSE, KOOVAPPADY KARA, KOOVAPPADY
VILLAGE, KUNNATHUNADU THALUK., PIN - 683544
- 2 BIBIN RAJ
AGED 28 YEARS
VALIYAVEETIL HOUSE, SOCIETY PADY, KOODALAPPAD KARA,
KOOVAPPADY VILLAGE, KUNNATHUNADU THALUK., PIN - 683544
- 3 ASWANTH
AGED 20 YEARS
S/O ASHOKAN, MUTHIRAPARMBIL HOUSE, SIDHAN
KAVAL, KOODALAPPAD KARA, KOOVAPPADY VILLAGE,
NKUNNATHUNADU THALUK., PIN - 683544
BY ADV AJEESH M UMMER

RESPONDENT/S:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
PIN - 682031
- 2 NIDHEESH
AGED 31 YEARS
S/O JOSE, CHITTOOPARAMBAN HOUSE, NEAR ST.MARY'S
KAPPELA, KOODALLAPADU KARA, KOOVAPPADY VILLAGE,
KUNNATHUNADU THALUK., PIN - 683544
BY PUBLIC PROSECUTOR SMT.SEENA C.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
28.04.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

This is a petition filed under Section 482 of the Code of Criminal Procedure to quash Annexure-2 final report and all further proceedings in Crime No.560/2022 of Kodanad Police Station, now pending as C.C.No.498/2022 before the Judicial First Class Magistrate's Court-III, Perumbavoor. The offences alleged against the petitioners are under Sections 341, 294(b) and 427 read with 34 of the Indian Penal Code.

2. The learned counsel for the petitioners submits that, as regards the first accused, this Court has quashed the entire proceedings in Crl.M.C.No.887/2023.

3. The learned Public Prosecutor submits that the instruction proceeds reveal that the petitioners have no antecedents and this is the only crime registered against them. Annexure-3 is an affidavit filed by the de facto complainant stating that the compromise settlement arrived between the petitioners and the de facto complainant can be accepted and the proceedings against

the petitioners can be terminated.

4. Recording the submission of the learned Public Prosecutor as well as Annexure-3 affidavit and the judgment of this Court in Crl.M.C.No.887/2023, I am inclined to allow this Crl.M.C.

In the result, the final report in Crime No.560/2022, now pending as C.C.No.498/2022 before the Court of the Judicial First Class Magistrate-III, Perumbavoor, as against the petitioners is quashed.

The Crl.M.C. is allowed as indicated above.

Sd/-

BASANT BALAJI, JUDGE

okb/28.4.23

//True copy// P.S. to Judge

APPENDIX OF CRL.MC 3338/2023

PETITIONER ANNEXURES

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| Annexure1 | A TRUE COPY OF THE F.I.R AND FIS IN CRIME NO. 560/2022 OF KODANAD POLICE STATION DATED 30.09.2022. |
| Annexure2 | A CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 560/2022 OF KODANAD POLICE STATION DATED 03.10.2022, WHICH IS NOW PENDING AGAINST THE PETITIONER/ACCUSED-1 AS CC 498/2022 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-III, PERUMBAVOOR. |
| Annexure3 | AN AFFIDAVIT SWORN BY THE 2ND RESPONDENT DATED 05.01.2023. |