

Sabeesh Vs. PraseethA.V.P.

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Court : Kerala

Decided On : Jul-30-2013

Judge : Honourable Mr.Justice C.T.Ravikumar

Appellant : Sabeesh

Respondent : PraseethA.V.P.

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN TUESDAY, THE 30TH DAY OF JULY 2013 8TH SRAVANA, 1935 CrI.MC.No. 3126 of 2013 ----- AGAINST THE ORDER/JUDGMENT IN CC NO. 2263/2010 OF JUDICIAL FIRST CLASS MAGISTRATE COURT II, ERNAKULAM CRIME NO. 620/2010 OF KADAVANTHRA POLICE STATION , ERNAKULAM PETITIONER(S)/ACCUSED: ----- SABEESH, AGED 2 YEARS, S/O.DASAN, PUTHUVELIL(H), THAVANAKKADAVU, PALLIPPURAM, PIN-688 541. BY ADVS.SRI.C.P.UDAYABHANU SRI.G.SIJI RESPONDENT(S)/COMPLAINANT: ----- 1. PRASEETHA.V.P., AGED 2 YEARS, D/O.PRASAD, VATTATHARAPARAMBU VEEDU, EDAVANAKKADU.P.O.,PIN-682 502.

2. STATE OF KERALA, REPRESENTED BY THE S.I.OF POLICE, (CRIME.620/10)KADAVANTHRA POLICE STATION, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. R1 BY ADV.

SRI. G.SIJI R2 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30-07-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Kss CrI.MC.No. 3126 of 2013 -----
APPENDIX PETITIONER(S)' ANNEXURES: -----
ANNEXURE-I A CERTIFIED COPY OF THE FINAL REPORT PENDING AS C.C.2263/10(IN CRIME 620 2010 OF KADAVANTHRA POLICE STATION)ON THE FILE OF JFCM COURT-II,ERNAKULAM. ANNEXURE-II AFFIDAVIT SWORN BY R1 THE DEFACTO COMPLAINANT IN ANNEXURE-I.
RESPONDENT(S)' ANNEXURES: ----- N I L
/TRUE COPY/ P.A.TO JUDGE Kss P.BHAVADASAN, J.

----- CrI. M.C. No.3126 OF
201.----- Dated this the 30th day of July, 2013.

ORDER

The petitioner is the sole accused in Crime No.620/2010 of Kadavanthra Police Station who is alleged to have committed the offences punishable under Sections 451 and 354 of Indian Penal Code. The offence is alleged to have committed on 09.04.2010 at about 9.30 a.m.

2. It is unnecessary to go into the facts of the case in detail for the simple reason that the petitioner has impleaded the de facto complainant as 1st respondent who has entered appearance through counsel. The petitioner has produced Annexure II affidavit sworn to by the de facto complainant in which it is stated that the disputes and issues between the parties have been settled amicably through mediation and the de facto complainant has no further grievance in the matter and the matter may be allowed to be compounded. CrI.M.C.No.3126/201

3. It is significant to notice that as on the date of commission of offences, both the offences were compoundable even though the offence under Section 354 IPC may not be compoundable as of now.

4. Considering the fact that the de facto complainant has entered appearance and has filed an affidavit which is produced along with the petition stating that she does

not wish to prosecute the matter, it is only appropriate for this Court to exercise its power to grant the relief to the petitioner. Accepting the petition for compounding the offences, this Crl.M.C is allowed. The petitioner shall stand acquitted under Section 320(8) Cr.P.C. Sd/- P.BHAVADASAN JUDGE smp // True Copy // P.A. to Judge.

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