

Rojo Vs. the State of Kerala

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Court : Kerala

Decided On : Jul-30-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Rojo

Respondent : The State of Kerala

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. 3179 of 2013 () ----- CRIME NO. 407/2011 OF ADIMALY POLICE STATION , IDUKKI DISTRICT ----- PETITIONER/ACCUSED: ----- ROJO, S/O.JOSE, AGED 3 YEARS RESIDING AT MEKKUNNEL HOUSE, IRUMPUPALAM KARA MANNAMKANDAM VILLAGE, IDUKKI DISTRICT. BY ADVS.SRI.T.MADHU SMT.C.R.SARADAMANI SMT.BINDUMOL JOSEPH RESPONDENTS/STATE: ----- 1. THE STATE OF KERALA THROUGH THE STATION HOUSE OFFICER ADIMALI POLICE STATION, IDUKKI DISTRICT REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM

031.

2. ANUMOL THANKACHAN,, AGED 2 YEARS D/O.THANKACHAN, RESIDING AT KAVALAYIL HOUSE NEDUMPARA BHAGOM, OZHUVATHADAM,

MANNAMKANDAM VILLAGE IDUKKI DISTRICT 68 561. R1 BY PUBLIC PROSECUTOR SRI.ROY THOMAS R2 BY ADV. SRI.ROJO J.THURUTHIPARA THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30-07-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: VK Crl.MC.No. 3179 of 2013 () ----- APPENDIX ----- PETITIONER(S)' EXHIBITS ----- ANNEXURE A1: THE TRUE CERTIFIED COPY OF THE FIR IN CRIME NO.407/2011 OF ADIMALI POLICE STATION, IDUKKI DISTRICT. ANNEXURE A2: THE TRUE COPY OF THE ORDER DATED 18 7/2011 IN B.A NO.5652/2011 ON THE FILE OF THIS HON'BLE COURT. ANNEXURE A3: THE AFFIDAVIT DATED 19 7/2013 SWORN IN BY THE 2ND RESPONDENT. RESPONDENT(S)' EXHIBITS : NIL ----- / TRUE COPY / P.A. TO JUDGE VK P.BHAVADASAN, J.

----- Crl.M.C. No.3179 OF
201.----- Dated this the 30th day of July, 2013.

ORDER

This Crl.M.C is filed under Section 482 of the Code of Criminal Procedure seeking to have Annexure A1 First Information Report and all further proceedings in Crime No.407/2011 of Adimali Police Station quashed.

2. The petitioner stands accused of having committed the offence punishable under Section 376 of Indian Penal Code and Sections 3(1)(xi) and 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. In this petition, the petitioner has impleaded the de facto complainant as 2nd respondent. She has entered appearance through counsel and has filed an affidavit which is produced as Annexure-A3 in which it is stated that she has no complaint against the petitioner and that all the disputes between them have been settled amicably through mediation. She says that she does not wish to continue the proceedings. She also says that she has no objection in Crl.M.C. No.3179/2013 2 granting the relief to the petitioner.

3. Though the offences are non compoundable, since the dispute is purely a personal one and no public or social issue is involved in the matter and also since the de facto complainant has expressed that she does not wish to continue the

proceedings, there is no reason why the relief should not be granted to the petitioner. Therefore, this Crl.M.C is allowed and all further proceedings in Crime No.407/2011 of Adimali Police Station shall stand quashed. The petitioner shall stand discharged. Sd/- P.BHAVADASAN JUDGE smp // True Copy // P.A.to Judge.

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