

Suresh Vs. Rajamma

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Court : Kerala

Decided On : Nov-26-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Suresh

Respondent : Rajamma

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN TUESDAY, THE 26TH DAY OF NOVEMBER 2013 5TH AGRAHAYANA, 1935 CrI.MC.No. 5575 of 2013 ----- SC NO.467/2010 OF DISTRICT & SESSIONS COURT, PATHANAMTHITTA /PETITIONERS/ACCUSED 1 & 2: ----- 1. SURESH, AGED 28 YEARS, S/O. GOPI, CHAKKATTUSSERIL HOUSE, KURUMALA, VALLAMKULAM KIZHAKKUMURI, ERAVIPEROOR.

2. ABHILASH, AGED 19 YEARS, S/O. THAMPY, CHAKKATTUSSERIL HOUSE, KURUMALA, VALLAMKULAM KIZHAKKUMURI, ERAVIPEROOR. BY ADVS. SRI. T. P. PRADEEP SRI. P. K. SATHEESH KUMAR RESPONDENTS/CW1, 3 & STATE: ----- 1. RAJAMMA, D/O. CHELLAMMA, CHANGAMANNIL HOUSE, VALLAMKULAM KIZHAKKUMURI, NANNOOR, ERAVIPEROOR VILLAGE, THIRUVALLA-689 542.

2. SAJINI, D/O. RAJAMMA, VALIYAPARAMBIL HOUSE, VALLAMKULAM KIZHAKKU MURI, NANNOOR, ERAVIPEROOR VILLAGE, THIRUVALLA-689 542.

3. THE STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. R1 & R2 BY ADV. SRI.ABHILASH GOPAN R3 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26/11-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Kss CrI.MC.No. 5575 of 2013 ----- APPENDIX PETITIONER(S)' ANNEXURES: ----- ANNEXURE A- CERTIFIED COPY OF CHARGE SHEET IN S.C.NO. 467/2010 ON THE FILE OF THE DISTRICT & SESSIONS COURT, PATHANAMTHITTA. ANNEXURE B- TRUE COPY OF THE AFFIDAVIT OF 1ST RESPONDENT DATED 15/11-2013. ANNEXURE C- TRUE COPY OF THE AFFIDAVIT OF 2ND RESPONDENT DATED 15/11-2013. RESPONDENT(S)' ANNEXURES: ----- N I L /TRUE COPY/ P.A.TO JUDGE Kss P.BHAVADASAN, J.

----- CrI.M.C. No. 5575 of 2013 -----
----- Dated this the 26th day of November, 2013

ORDER

This is a petition filed under Section 482 of Cr.P.C. seeking to have all further proceedings in S.C. No. 467 of 2010 pending before the District and Sessions Court, Pathanamthitta quashed.

2. Petitioners are accused Nos. 1 and 2 in S.C.No. 467/2010 on the file of District and Sessions Court, Pathanamthitta for having committed offences punishable under Sections 447, 294(b), 323, 324 and 354 read with Section 34 of IPC.

3. It is unnecessary to go into the facts and details of the case for the simple reason that the petitioners have impleaded the defacto complainant and the victim as respondents 1 and 2 in this proceedings who have entered appearance through

a counsel and the learned counsel appearing for the respondents 1 and 2 accepts that the affidavit produced along with this petition as Annexures B CrI.M.C. No. 5575 of 2013 -2- and C are in fact sworn to by respondents 1 and 2 and they stand by the statements contained therein.

4. On going through the said affidavit, it is seen that the parties have settled all their disputes and differences between them and they have no issues remain to be redressed. It is also pointed out that the first and the second respondent are not interested in continuing with the proceedings further. Though the offences are serious and not compoundable, in the light of the stand taken by the respondents 1 and 2, it is felt that continuance of proceedings will be only an exercise in futility. Therefore, this petition is allowed. All further proceedings in S.C. No. 467 of 2010 pending before the District and Sessions Court, Pathanamthitta including the final report based on which cognizance was taken by the JFCM court concerned shall stand quashed and the petitioner shall stand discharged. P.BHAVADASAN
JUDGE ds

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