

Rajan Vs. State

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SooperKanoon Citation : sooperkanoon.com/1099735

Court : Kerala

Decided On : Nov-29-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Rajan

Respondent : State

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN FRIDAY, THE 29^H DAY OF NOVEMBER 2013 8TH AGRAHAYANA, 1935 CrI.MC.No. 5627 of 2013 ()
----- CRIME NO. 721/2011 OF KATTAPPANA POLICE STATION, IDUKKI DISTRICT ----- PETITIONERS / ACCUSED 1 TO 14:
----- 1. SRINAGARI RAJAN @ RAJAN S/O.VASU, AGED 54 YEARS, SRINAGARI HOUSE, KATTAPPANA VILLAGE, UDUMBANCHOLA TALUK, IDUKKI DISTRICT.

2. V.R.SAJI S/O.KRISHNAPILLA, AGED 43 YEARS, VADAKKEMURIYIL HOUSE KATTAPPANA KARA, KATTAPPANA VILLAGE UDUMBANCHOLA TALUK, IDUKKI DISTRICT.

3. SHAJI S/O.KRISHNANKUTTY, AGED 47 YEARS, NECHIPARAMBIL HOUSE KATTAPPANA KARA, KATTAPPANA VILLAGE UDUMBANCHOLA TALUK, IDUKKI DISTRICT.

4. K.K.JAFFAR S/O.KOYAKKUTTY, AGED56YEARS, KANNANKARA HOUSE, KATTAPPANA KARA KATTAPPANA VILLAGE, UDUMBANCHOLA TALUK, IDUKKI DISTRICT.

5. THOMAS S/O.JOSEPH, AGED62YEARS, CHITTAPPANATTU HOUSE, KATTAPPANA KARA KATTAPPANA VILLAGE, UDUMBANCHOLA TALUK, IDUKKI DISTRICT.

6. RAMANAN S/O.VAVACHAN, AGED47YEARS, PADANNAYIL HOUSE, KATTAPPANA KARA KATTAPPANA VILLAGE, UDUMBANCHOLA TALUK, IDUKKI DISTRICT.

7. BOSE S/O.IGNASIOUS, AGED47YEARS, KARIMARUTHUMKAL HOUSE VELLAYAMKUDY KARA, KATTAPPANA VILLAGE UDUMBANCHOLA TALUK, IDUKKI DISTRICT. ...2/- CrI.MC.No. 5627 of 2013 () -2- 8. M.C.JOSE S/O.CHANDY, AGED54YEARS, MATTAPPALLIL HOUSE, KATTAPPANA KARA KATTAPPANA VILLAGE, UDUMBANCHOLA TALUK IDUKKI DISTRICT.

9. M.C.ABRAHAM, S/O.CHANDY, AGED45YEARS, MATTAPPALLIL HOUSE, KATTAPPANA KARA KATTAPPANA VILLAGE, UDUMBANCHOLA TALUK, IDUKKI DISTRICT.

10. KUTTIACHAN S/O.MANI, AGED54YEARS, THEKKEL HOUSE, PAMPADUMPARA KARA PAMPADUMPARA VILLAGE, UDUMBANCHOLA TALUK, IDUKKI DISTRICT.

11. MUHAMMED RAFEEQ S/O.SHAHUL HAMEED, AGED41YEARS BOMBAY HOUSE, KATTAPPANA KARA KATTAPPANA VILLAGE, UDUMBANCHOLA TALUK, IDUKKI DISTRICT.

12. M.I.AKBAR ALI S/O.MUHAMMED IBRAHIM, AGED33YEARS MEDIL HOUSE, KUMILY KARA KUMILY VILLAGE, PEERMADE TALUK, IDUKKI DISTRICT.

13. SHAHUL HAMEED S/O.MASTAN SAHIB, AGED49YEARS, FATHIMA MANZIL, KUNTHALAMPARA KARA KATTAPPANA VILLAGE, UDUMBANCHOLA TALUK, IDUKKI DISTRICT.

14. MUHAMMED NABI S/O.SHAHUL HAMEED, AGED40YEARS, BOMBAY HOUSE, KATTAPPANA KARA KATTAPPANA VILLAGE, UDUMBANCHOLA TALUK, IDUKKI DISTRICT. BY ADVS.SMT.DAISY A.PHILIPOSE SRI.JAI GEORGE RESPONDENTS : ----- 1. STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM - 682 031. ...3/- CrI.MC.No. 5627 of 2013 () -3- 2. JANCY BABY W/O.BABY KURIAN, KURIKILAMKATTIL HOUSE KATTAPPANA VILLAGE, KATTAPPANA-685 515. R1 BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN R2 BY ADVS. SRI.P.A.JACOB SRI. AJAY M. THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON2911-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: ...4/- CrI.MC.No. 5627 of 2013 () ----- APPENDIX PETITIONER(S)' ANNEXURES : ----- ANNEXURE A1. COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.721/201 OF KATTAPANA POLICE STATION. ANNEXURE A2. COPY OF THE FINAL CHARGE CC NO.132/2013 PENDING ON THE FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, KATTAPPANA. ANNEXURE A3. AFFIDAVIT SWORN BY THE2D RESPONDENT. RESPONDENT(S)' EXHIBITS : NIL ----- //TRUE COPY// P.A. TO JUDGE Mn P.BHAVADASAN, J.

----- CrI.M.C. No. 5627 of 2013 -----
----- Dated this the 29th day of November, 2013

ORDER

This is a petition filed under Section 482 of Cr.P.C. seeking to have all further proceedings in C.C. No. 132 of 2013 pending before the Judicial First Class Magistrate Court, Kattapana quashed.

2. Petitioners are accused in Crime No. 721 of 2011 of Kattapana Police Station who are alleged to have committed the offences punishable under Sections 143, 147, 341 and 427 read with Section 149 of IPC. After investigation, final report was laid and cognizance was taken by the court concerned.

3. It is unnecessary to go into the facts and details of the case for the simple reason that this petition can be disposed of on a short ground.

4. Petitioners have impleaded the defacto complainant as the second respondent in this proceedings Crl.M.C. No. 5627 of 2013 -2- and she has entered appearance through a counsel. The learned counsel appearing for the second respondent accepts that the Annexure A3 affidavit produced along with this petition is one sworn to by the defacto complainant herself and she stands by the statements contained therein.

5. On going through the affidavit so filed, it is seen that all differences and disputes between the parties have been settled through mediation and no further issues remain to be resolved. The defacto complainant has also stated that she has no grievance in the matter and she wants to give a quietus to the issue.

6. In the light of the stand taken by the defacto complainant, it is felt that continuance of proceedings will be only an exercise in futility. Though the offences may not be compoundable, taking note of the stand taken by the defacto complainant, it is felt that in the interest of justice, relief should be granted. Crl.M.C. No. 5627 of 2013 -3- In the result, this petition is allowed. All further proceedings in C.C. No. 132 of 2013 pending before the Judicial First Class Magistrate Court, Kattapana, including the final report based on which cognizance was taken shall stand quashed and the petitioner shall stand discharged.
P.BHAVADASAN JUDGE ds

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