

Manoj Vs. Karthikeyan

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Court : Kerala

Decided On : Dec-18-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Manoj

Respondent : Karthikeyan

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN WEDNESDAY, THE 18TH DAY OF DECEMBER 2013 27TH AGRAHAYANA, 1935 CrI.MC.No. 6331 of 2013 () ----- SC.NO. 743/2004 OF ADDL.SESIONS COURT (ADHOC), MAVELIKKARA CP.NO. 100/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -I, MAVELIKKARA CRIME NO. 57/2002 OF NOORANADU POLICE STATION , ALAPPUZHA ----- PETITIONER(S)/ACCUSED NO.3: ----- MANOJ, AGED 32 YEARS, S/O.MANO HARAN, PUNNAVILAYIL MANOJ BHAVAN, PALLICKAL EAST, THEKKELKARA P.O., MAVELIKKARA - 7, ALAPPUZHA DISTRICT. BY ADV. SRI.VINCENT JOSEPH RESPONDENTS/DEFACTO COMPLAINANT & STATE: ----- 1. KARTHIKEYAN, AGED 61 YEARS, S/O.NANU, CHARUVILAYIL, PALLICKAL EAST, MAVELIKKARA-688 007 2. RAJAMMA, AGED 56 YEARS, W/O.KARTHIKEYAN, CHARUVILAYIL, PALLICKAL EAST, MAVELIKKARA - 688 007 3. STATE OF

KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM,KOCHI - 682 031. R2 BY ADV. SRI.SAKIR.K.H. R3 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON1812-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: sts CrI.MC.No. 6331 of 2013 () ----- APPENDIX PETITIONER(S)' ANNEXURES: ----- ANNEXURE-A1: CERTIFIED COPY OF THE CHARGE SHEET IN CRIME NO.57/2002 OF NOORANADU POLICE STATION BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT - I,MAVELIKKARA. ANNEXURE-A2: TRUE COPY OF THE

ORDER

DATED113.2001 IN S.C.NO.743/2004 OF THE COURT OF THE ADDITIONAL SESSIONS JUDGE, FAST TRACK (ADHOC), MAVELIKKARA. ANNEXURE-A3: COPY OF AFFIDAVIT SWORN BY THE1T RESPONDENT BEFORE THE NOTARY PUBLIC DATED1612.2013 ANNEXURE-A3(A): COPY OF AFFIDAVIT SWORN BY THE2D RESPONDENT BEFORE THE NOTARY PUBLIC DATED1612.2013 RESPONDENT(S)' ANNEXURES: NIL /TRUE COPY/ P.A.TO.JUDGE sts P.BHAVADASAN, J.

----- CrI.M.C. No.6331 of 2013 -----
----- Dated this the 18th day of December, 2013

ORDER

The petitioner along with other accused stood accused of having committed the offences punishable under Sections 341, 324, 427 and 308 read with Section 34 of IPC in Crime No. 57 of 2002 of Nooranadu Police Station.

2. The final report was laid and cognizance was taken by the court concerned and the matter was committed to the Sessions Court. Before the Sessions Court, it appears that the petitioner did not appear and others underwent trial. After trial, accused Nos. 1, 2 and 4 were found not guilty and acquitted of the charges levelled against them.

3. In this petition, the petitioner has impleaded two injured persons who are the victims on whose complaint, the crime was registered. Those respondents have entered appearance through a counsel and the counsel accepts that Annexures A3 and A3(a) affidavits filed along with the CrI.M.C. No.6331/2013 -2- petition are one sworn to by the respective respondents and they stand by the statements contained therein.

4. On going through said affidavits, it is seen that the parties have settled all their differences and issues between them and they do not wish to prosecute the matter further and they have no further issues remain to be resolved.

5. In the light of the said stand taken by the defacto complainant, it is felt that continuance of the proceedings will only be an exercise in futility. In the result, this petition is allowed. All further proceedings in C.P.No. 100 of 2013 pending before the Judicial First Class Magistrate's Court-I, Mavelikkara arising out of Crime No. 57 of 2002 shall stand quashed and the petitioner shall stand discharged.
P.BHAVADASAN JUDGE sb

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