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Sandeep Kumar Vs. State of Kerala

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Court : Kerala

Decided On : Jan-02-2014

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Sandeep Kumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN THURSDAY, THE2D DAY OF JANUARY201412TH POUSHA, 1935 Crl.MC.No. 65 of 2014 () ---------- CC.NO. 1155/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - II,NEDUMANGAD CRIME NO. 646/2013 OF NEDUMANGAD POLICE STATION,THIRUVANANTHAPURAM ---------- PETITIONER(S)/ACCUSED1& 2 : ---------- 1. SANDEEP KUMAR,AGED28YEARS, S/O.SWARNAKUMAR,DEEPU NIVAS, KUZHIVILA, RAMAPURAM, KOLLANKAVU, KARUPPUR.

2. SATHEESH KUMAR, AGED31YEARS, S/O. SUNDARESAN ASARI, AP NO.IV/246, SATHEESH BHAVAN, THALACKAVILA, MUNDELA, ARUVIKKARA. BY ADV. SRI.RAJASIMHAN RESPONDENTS/ STATE AND DEFACTO COMPLAINANT : ----------
1. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

2. BINU RAJ, AGED29YEARS, SAJITHA MANDIRAM, VELAMKONAM, AYYAPPANKUZHI, UZHAMALACKAL-695 020 3. SAJITHA, AGED26YEARS, W/O. BINU RAJ, SAJITHA MANDIRAM, VELAMKONAM, AYYAPPANKUZHI, UZHAMALACKAL-695 020. R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN R2 & R3 BY ADV. SRI.K.NIRMALAN THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON0201-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: sts CRMC.NO.65/2014 APPENDIX PETITIONER'S ANNEXURES: ANNEX A1 COPY OF THE FINAL REPORT IN CC.NO.1155/2013 PENDING BEFORE JUDICIAL FIRST CLASS MAGISTRATE COURT, NEDUMANGAD. ANNEX A2 COPY OF THE COMPOUNDING PETITION. RESPONDENT'S ANNEXURES: NIL /TRUE COPY/ P.A.TO.JUDGE sts P.BHAVADASAN, J.

- Crl.M.C. No. 65 of 2014 - Dated this the 02nd day of January, 2014

ORDER

This is a petition filed under Section 482 of Cr.P.C. seeking to have all further proceedings in C.C.No. 1155 of 2013 pending before the Judicial First Class Magistrate's Court-II, Nedumangad quashed.

2. Petitioners are accused Nos. 1 and 2 in the said case pending before the Judicial First Class Magistrate's Court-II, Nedumangad who are alleged to have committed the offences punishable under Sections 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 chosen to implead the defacto complaint and victim as respondents 2 and 3 who have entered appearance through a counsel and who represents that Annexure-A2 affidavit is sworn to by the respondents concerned and they stand by the statements contained therein. Crl.M.C. No.65/2014 -2- 4. On going through the said affidavit, it is seen that all issues and differences between the parties have been settled between them and they do not wish to prosecute the matter further. It is pointed out that respondents 2 and 3 are

not interested in prosecuting the matter further and they want to put an end to the proceedings.

5. In the light of the statements contained in the affidavit, 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.C.No. 1155 of 2013 pending before the Judicial First Class Magistrate's Court-II, Nedumangad including the final report based on which cognizance was taken shall stand quashed and the petitioners shall stand discharged. Sd/- P.BHAVADASAN JUDGE ds

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