

Lal Vs. State of Kerala

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Court : Kerala

Decided On : Jan-24-2014

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Lal

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN FRIDAY, THE 24TH DAY OF JANUARY 2014 4TH MAGHA, 1935 CrI.MC.No. 913 of 2014 () ----- CRIME NO. 1541/2013 OF SREEKARYAM POLICE STATION , THIRUVANANDAPURAM PETITIONERS/A1 & A2: ----- 1. LAL, AGED 38 YEARS S/O. THANKAPPAN, CHITHAMBARAVILAKOM, MULLUVILA KAZHAKKUTTOM, THIRUVANANTHAPURAM.

2. RAJESH @ PUTHENPALAM RAJESH, AGED 37 YEARS S/O. SASI, KALLOOR THOTTUVARAMBIL VEEDU, KANNANMOOLA THIRUVANANTHAPURAM. BY ADV. SRI.SHAJIN S.HAMEED RESPONDENTS/STATE, DE FACTO COMPLAINANT & INJURED: ----- 1. STATE OF KERALA REPRESENTED BY THE SUB INSPECTOR OF POLICE SREEKARYAM POLICE STATION REPRESENTED THROUGH THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM.

2. N.CHANDRIKA , AGED47YEARS D/O. JANAMMA, PRESENTLY RESIDING AT F-29 UNIVERSITY CAMPUS QUARTERS, KARYAVATTOM THIRUVANANTHAPURAM PERMANENTLY RESIDING AT SANTHOSH BHAVAN NEAR T.V.JUNCTION, HARIPPAD, ALAPPUZHA-690 514.

3. RENJITH S/O. CHANDRIKA, PRESENTLY RESIDING AT F-29 UNIVERSITY CAMPUS QUARTERS, KARYAVATTOM THIRUVANANTHAPURAM PERMANENTLY RESIDING AT SANTHOSH BHAVAN NEAR T.V.JUNCTION, HARIPPAD ALAPPUZHA DISTRICT-690 514. R1 BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN R2 & 3 BY ADV. SRI. A.K. RAJESH THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON2401-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CrI.MC.No. 913 of 2014 () APPENDIX PETITIONERS' EXHIBITS:- -----

ANNEXURE A : COPY OF THE FIR IN CRIME NO.1541/2013 OF SREEKARYAM POLICE STATION. ANNEXURE B : NOTARIZED AFFIDAVIT EXECUTED BY THE2D RESPONDENT. ANNEXURE : NOTARIZED AFFIDAVIT EXECUTED BY THE3D RESPONDENT. RESPONDENTS' EXHIBITS:- NIL
----- //TRUE COPY// P.A. TO JUDGE sp P. BHAVADASAN, J.

----- CrI. M.C. No.913 of 2014
----- Dated this the 24th day of January, 2014.

ORDER

This is a petition filed under Section 482 Cr.P.C. seeking to have all further proceedings in Crime No.1541 of 2013 of Sreekaryam Police Station quashed.

2. The petitioners are accused of having committed offences punishable under Sections 143,144,147,323,452,294(b),354,427 read with Section 149 IPC and Section 27 of Arms Act.

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

4. The petitioners have impleaded the defacto complainant and the injured as respondents 2 and 3, who have entered appearance through a counsel. The counsel so engaged by respondents 2 and 3 stated that Annexures-B and C affidavits filed along with the petition are sworn to by respondents 2 and 3 and that they stand by the statements contained therein.

5. On going through the affidavits, it is seen that the parties have settled the disputes between them and no further dispute remains to be resolved. It is further seen from the affidavits that CrI. M.C. No.913 of 2014 2 neither the defacto complainant nor the injured is interested in prosecuting the matter further. There is no social or public issue involved in the matter and it is purely a personal issue between the two parties.

6. In the light of the above stand taken by the defacto complainant and the injured, it is felt that further continuance of proceedings will only be an exercise in futility. In the result, this petition is allowed and all further proceedings in Crime No.1541 of 2013 of Sreekaryam Police Station including the registration of the FIR shall stand quashed and the proceedings as against the petitioners shall stand dropped. P. BHAVADASAN, JUDGE sp

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