

Kuttan @ Syamkumar Vs. State of Kerala

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Court : Kerala

Decided On : Oct-29-2014

Judge : Honourable Mr. Justice P.Ubaid

Appellant : Kuttan @ Syamkumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE P.UBAID WEDNESDAY, THE 29TH DAY OF OCTOBER 2014 7TH KARTHIKA, 1936 CrI.MC.No. 5143 of 2014 () ----- IN CC29432009 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II, KOLLAM CRIME NO. 1074/2008 OF KOLLAM EAST POLICE STATION , KOLLAM PETITIONER(S)/ACCUSED: ----- 1. KUTTAN @ SYAMKUMAR AGED 25 YEARS S/O.BOBAN, SUBITHA BHAVAN, KUNNADI KIZHAKKATHIL UDAYAMARTHANDAPURAM CHERRY, MUNDAKKAL VILLAGE KOLLAM DISTRICT.

2. AJEESH AGED 27 YEARS S/O.SASI, BHARATHI BHAVAN KUNNADI KIZHAKKATHIL UDAYAMARTHANDAPURAM CHERRY MUNDAKKAL VILLAGE, KOLLAM DISTRICT.

3. SARATH AGED 24 YEARS S/O.SOMANATHAN, KUNNADI KIZHAKKATHIL UDAYAMARTHANDAPURAM CHERRY, MUNDAKKAL VILLAGE KOLLAM

DISTRICT.

4. SUBASH @ ARSHAD AGED 27 YEARS S/O. SUBAIR, SEENA MANZIL, NEAR POLAYATHODU RAILWAYGATE THEKKEVILA CHERRY, MUNDAKKAL VILLAGE, KOLLAM DISTRICT. BY ADVS. SRI. PRATHEESH. P SMT. BINDU GEORGE RESPONDENT(S)/DE-FACTO COMPLAINANT & STATE:

----- 1. STATE OF KERALA REPRESENTED BY SUB INSPECTOR OF POLICE KOLLAM EAST POLICE STATION THROUGH PUBLIC PROSECUTOR HIGH COURT OF KERALA.

2. ANIL KUMAR, AGED 44 YEARS S/O. BHARGAVAN, KOVILAZHIKAM VEEDU UDHAYA MARTHANDAPURAM CHERI, MUNDAKKAL VILLAGE KOLLAM DISTRICT. R2 BY ADV. SMT. S. SEETHA R1 BY PUBLIC PROSECUTOR SMT. P. MAYA THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29/10/2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl. MC. No. 5143 of 2014 () ----- APPENDIX PETITIONER(S)' EXHIBITS ----- ANNEXURE-1: THE COPY OF FIR WITH FIS IN CRIME NO. 1074/2008 OF KOLLAM EAST POLICE STATION. ANNEXURE-2: THE COPY OF FINAL REPORT IN CRIME NO. 1074/2008 OF KOLLAM EAST POLICE STATION. ANNEXURE-3: THE COPY OF AFFIDAVIT SWORN BY THE 2D RESPONDENT REGARDING THE COMPROMISE DATED 14.8.2014 RESPONDENT(S)' EXHIBITS: NIL ----- /TRUE COPY/ PATO JUDGE sab P. UBAID, J.

----- Crl. M.C No. 5143 of 2014 -----

Dated this the 29th day of October, 2014.

ORDER

The petitioners herein are the four accused in C.C 2943/2009 of the Judicial First Class Magistrate Court- II, Kollam. Crime in the said case was registered under Sections 323, 324, 447 and 294 (b) IPC on the complaint of one Anil Kumar. The accused seek orders under Section 482 Cr.P.C quashing the prosecution on the ground that they have amicably settled the dispute with the complainant, and that continuance of prosecution will not serve any purpose. The defacto complainant

Anil Kumar is the second respondent in this proceeding. He has filed affidavit to the effect that he has settled the dispute with the accused, and that he has no grievance or complaint now.

2. The learned counsel for the petitioner now submits that only the third petitioner herein seeks orders, because the other petitioners already stand acquitted by the trial court. There is also an application as Crl.MA No.9385/14 to delete the name of the petitioners 1, 2 and 4 from proceedings. The said petition is allowed, and the name of the petitioners 1, 2 and 4 will stand Crl. M.C No. 5143 of 2014 2 deleted. Now orders are sought only by the third petitioner. I am well satisfied that the parties have really settled the whole dispute, and continuance of prosecution in such a situation will not serve any purpose, other than wasting the precious time of the court. In the result, this petition is allowed. The prosecution as against the third petitioner herein in C.C29432009 of Judicial First Class Magistrate Court - II, Kollam will stand quashed under Section 482 Cr.P.C, and the said petitioner will stand released from such prosecution. The bail bond, if any, executed by him will stand discharged. P.UBAID, JUDGE sab

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