

Arjun@Appani vs State of Kerala

Arjun@Appani vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1286252

Court : Kerala Orders

Decided On : Aug-01-2024

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.MC/358/2022

Appellant : Arjun@Appani

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS THURSDAY, THE 1ST DAY OF AUGUST 2024 / 10TH SRAVANA, 1946 CRIME NO.1009/2021 OF Balussery Police Station, Kozhikode PETITIONERS/ ACCUSED PERSONS 1 & 2 : 1 ARJUN@APPANI AGED 25 YEARS, S/O. PURUSHU, RESIDING AT THOONAMKANDIYIL HOUSE, P.O.THURUTHIAD, BALUSSERY, KOYILANDY TALUK, KOZHIKODE DISTRICT, PIN-676552. 2 AMARNATH, AGED 23 YEARS, S/O. PURUSHU, RESIDING AT THOONAMKANDIYIL HOUSE, P.O.THURUTHIAD, BALUSSERY, KOYILANDY TALUK, KOZHIKODE DISTRICT, PIN-676552. BY ADVS. J.R.PREM NAVAZ SUMEEN S. RESPONDENT/ STATE : 1 STATE OF

KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031. 2 ADARSH AGED 23 YEARS, S/O. HARIDASAN, RESIDING AT POOZHIKANDIYIL HOUSE, WAYALADA P.O., UNNIKULAM, KOYILANDY THALUK, KOZHIKODE DISTRICT, PIN-673574. 3 VIPIN, AGED 22 YEARS, S/O. VASU, RESIDING AT KANDOTH HOUSE, WAYALADA, WAYALADA P.O., UNNIKULAM, KOYILANDY THALUK, KOZHIKODE DISTRICT, PIN-673574.

BY ADVS. ADVOCATE GENERAL OFFICE KERALA AJOY VENU SMT. SREEJA V., PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01.08.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

----- Crl.M.C.No.358 of 2022 -----

== Dated this the 1st day of August, 2024

ORDER

Petitioners are the accused in Crime No.1009 of 2021 of Balussery Police Station, Kozhikode. They are alleged to have committed the offences under Sections 143, 147, 148, 341, 324 and 326 r/w Section 149 of the Indian Penal Code, 1860.

2. Though this petition has been filed under Section 482 of Cr.P.C.

seeking to quash the above crime, the learned Public Prosecutor, upon instructions submitted that the first petitioner is involved in eleven other crimes apart from the action taken under the Kerala Anti-Social Activities (Prevention) Act for preventive detention.

3. In the decision in Gian Singh v. State of Punjab and Another

[(2012) 10 SCC 303] as well as in State of Madhya Pradesh v. Laxmi Narayan and Others [(2019) 5 SCC 688], the Supreme Court had observed that in heinous

crimes and in cases where the criminal antecedents of the petitioner does not inspire confidence, the Court need not accept the settlement.

4. The criminal antecedents of the petitioners pointed out by the

learned Public Prosecutor includes offences under Sections 307, 308, 326, 435 and even under Section 392 I.P.C. Considering the antecedents of the petitioners, the affidavit of settlement allegedly agreed to by the defacto complainant does not inspire confidence. Hence, I decline to exercise the jurisdiction to quash the proceedings. Accordingly, this CrI.M.C. is dismissed. Sd/- BECHU KURIAN THOMAS, JUDGE RKM APPENDIX OF CRL.MC 358/2022 PETITIONERS' ANNEXURES : Annexure A1 THE CERTIFIED COPY OF THE FIR IN CRIME NO.1009 OF 2021 OF BALUSSERY POLICE STATION, KOZHIKODE DISTRICT. Annexure A2 THE AFFIDAVIT, SOLEMNLY AFFIRMED BY THE 2ND RESPONDENT/DEFACTO COMPLAINANT. Annexure A3 THE AFFIDAVIT, SOLEMNLY AFFIRMED BY THE 3RD RESPONDENT/INJURED.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com