

Robin vs State of Kerala

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Court : Kerala

Decided On : Apr-19-2024

Judge : Honourable Mr. Justice C.Pratheep Kumar

Appeal No. : Crl.MC/1749/2024

Appellant : Robin

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE C.PRATHEEP KUMAR FRIDAY,
THE 19TH DAY OF APRIL 2024 / 30TH CHAITHRA, 1946 CRL.MC NO. 1749 OF
2024 CRIME NO.439/2014 OF CHIRAYINKEEZHU POLICE STATION,
THIRUVANANTHAPURAM CC NO.1904 OF 2014 OF JUDICIAL MAGISTRATE
OF FIRST CLASS - I, ATTINGAL PETITIONERS A1 TO A8:

1 ROBIN AGED 37 YEARS S/O. RAJAN JOHNI, HAPPY HOME,
THEKKE AYARURUTHIYIL, 2 ROSHAN AGED 35 YEARS S/O. RAJAN
JOHNI, HAPPY HOME, THEKKE AYARURUTHIYIL, 3 SUNIL AGED 40
YEARS S/O. ROJADAN, J.S. VILLA, THEKKE AYARURUTHIYIL,
THIRUVANANTHAPURAM DISTRICT, PIN - 695 304 4 SAJAN AGED

34 YEARS S/O. SYRUS, THETTIMOOLAYIL HOUSE, THEKKE
AYARURUTHIYIL, 5 AKHIL AGED 32 YEARS S/O. ALOSHIOUS,
PUTHUVAL HOUSE, THEKKE AYARURUTHIYIL, 6 ANASU AGED 31
YEARS S/O. ALOSHIOUS, THEKKE AYARURUTHIYIL,
CHIRAYINKEEZHU DESOM, SARKARA VILLAGE,
THIRUVANANTHAPURAM DISTRICT., PIN - 695 304 7 JOHNI AGED
29 YEARS S/O. ROBIN, CIBI NIVAS, THEKKE AYARURUTHIYIL,

8 SHIBIN AGED 30 YEARS S/O. YESUDHAS, ST.MARY'S HOME, THEKKE
AYARURUTHIYIL, BY ADV. SHAJIN S.HAMEED
RESPONDENTS/STATE,CW1&CW2:

1 STATE OF KERALA REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM., PIN - 682
031 2 SINDHU AGED 52 YEARS W/O. SUNILKUMAR, J.A. NIVAS,
PUTHUKKARI DESOM, SARKARA VILLAGE, CHIRAYINKEEZHU,
THIRUVANANTHAPURAM DISTRICT., PIN - 695 304 3 AKHIL AGED
29 YEARS S/O. SUNILKUMAR, J.A. NIVAS, PUTHUKKARI DESOM,
SARKARA VILLAGE, CHIRAYINKEEZHU, THIRUVANANTHAPURAM
DISTRICT., PIN - 695 304 BY ADV. SONAY JOHN

OTHER PRESENT: SRI.G.SUDHEER, P.P. THIS CRIMINAL MISC. CASE
HAVING COME UP FOR ADMISSION ON 19.04.2024, THE COURT ON THE
SAME DAY PASSED THE FOLLOWING: C. PRATHEEP KUMAR, J
----- CrI. MC. No.1749 of 2024
----- Dated this the 19th day of April, 2024

ORDER

This is a petition filed under Section 482 of the Code of Criminal Procedure, by the
rank of accused in Crime No.439 of 2014 of Chirayinkeezhu Police Station, which
is pending as CC. No.1904 of 2014 on the file of the Judicial 1st Class Magistrate
Court-I, Attingal. The offences alleged against the petitioners are punishable under
Sections 143,147,148,447,452,427 & 506(i) r/w 149 of IPC.

2. The prosecution case is that the accused

persons with an intention to assault the son of CW1, on 02.03.2014 at 12.am, trespassed into the compound of the house of CW1 and damaged her car. It is further alleged that they also destroyed the front door of the house and attempted to barge inside the house.

3. According to the petitioners, the

dispute has been settled with the defacto complainants/ respondent Nos.2 and 3. Both parties agreed to drop all further proceedings relating to the above dispute. Therefore, they prayed for quashing all further proceedings in Annexure A.

4. The Defacto complainants filed

affidavits endorsing the averments in the Criminal MC. According to them, the case has been amicably settled and that they do not intend to proceed with the case and also that further proceedings in the case can be quashed. they have no further grievance against the petitioners.

5. Learned Public Prosecutor also stated that the dispute has been settled between the parties and hence further proceedings in the case can be quashed.

6. Considering the fact that the offences under sections 143, 147, 148, 447, 452, 427 & 506

(i) r/w 149 of IPC involved in this case are not

heinous and very serious in nature, and the dispute has been settled between the petitioners and defacto complainants, this is a fit case in which further proceedings can be quashed. In the result, This Crl. M.C is allowed. All further proceedings in CC. No.1904 of 2014 on the file of the Judicial 1st Class Magistrate Court-I, arising from Crime No.439 of 2014 of Chirayinkeezhu Police Station, is quashed. Sd/- C.PRATHEEP KUMAR, JUDGE SSG APPENDIX OF CRL.MC 1749/2024 PETITIONERS ANNEXURES Annexure-A CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.439/2014 OF CHIRAYINKEEZHU POLICE STATION. Annexure-B AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT/CW1.

Annexure-C AFFIDAVIT EXECUTED BY THE 3RD RESPONDENT/CW2.

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