

Premkumar.V, vs State of Kerala

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Court : Kerala

Decided On : Jan-23-2024

Judge : Honourable Mrs. Justice Sophy Thomas

Appeal No. : Crl.MC/10740/2023

Appellant : Premkumar.V,

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SOPHY THOMAS RD
TUESDAY, THE 23 DAY OF JANUARY 2024 / 3RD MAGHA, 1945
CRL.MC NO. 10740 OF 2023 CRIME NO.1258/2022 OF Kannur Town,
Kannur AGAINST THE ORDER/JUDGMENT CC 1512/2022 OF
JUDICIAL MAGISTRATE OF FIRST CLASS -I, KANNUR
PETITIONER/ACCUSED: PREMKUMAR.V, AGED 63 YEARS S/O.
KARUNAN, SOPANAM HOUSE, CHALAD P.O. KANNUR CITY,
KANNUR (DT), PIN - 670014 BY ADVS. CIBI THOMAS ANSIA K.A.
RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

1 STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 2

AISWARYA.A AGED 26 YEARS D/O. SUKESH.K.A, 'SUKESH', CHOYVA.P.O. KANNUR DISTRICT., PIN - 670006 3 LINA.N AGED 51 YEARS W/O. SUKESH.K.A, 'SUKESH', CHOYVA.P.O. KANNUR DISTRICT., PIN - 670006 4 SHARAN.A AGED 20 YEARS S/O. SUKESH.K.A, 'SUKESH', CHOYVA.P.O, KANNUR DISTRICT., PIN - 670006 SR.PP-SRI.RENJIT GEORGE THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 23.01.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 23rd day of January , 2024 This CrI.M.C., under Section 482 of Cr.P.C., is filed by the sole accused in Crime No.1258 of 2022 of Kannur Police Station, Kannur, registered under Sections 451, 341, 323, 294(b), 506 and 509 of IPC, for quashing Annexure I Final Report in C.C.No.1512 of 2022 on the file of Judicial First Class Magistrate Court-I, Kannur.

2. The prosecution allegation is that the accused, who is the husband of the 3rd respondent, trespassed into the house of respondents 2 to 4, and abused them in filthy language and also physically assaulted them.

3. When the matter is taken up for consideration,

learned counsel for the petitioner submitted that the matter stands settled between himself and respondents 2 to 4. Respondents 2 to 4 entered appearance through counsel, and submitted that the matter stands settled. Annexures II to IV are the affidavits filed by them, endorsing the settlement. Neither they have any intention to proceed with the prosecution nor any objection in quashing Annexure I Final Report in C.C.No.1512 of 2022.

4. On instructions, learned Public Prosecutor submitted

that the matter is settled and he produced signed statements of respondents 2 to 4. In those statements also, they have stated that they are not intending to proceed with the prosecution, and they have no objection in quashing Annexure I Final Report in C.C.No.1512 of 2022.

5. Since the matter stands settled, no purpose would be served by continuing the prosecution against the petitioner.

6. In the light of the principles laid down by the Apex

Court in Gian Singh v. State of Punjab and Another; [(2012) 10 SCC 303], and State of Madhya Pradesh v. Laxmi Narayan and Others; [(2019) 5 SCC 688], this Court is of the view that the proceedings against the petitioner can be quashed on the basis of settlement. Moreover, the dispute is purely personal in nature and no public interest is involved in it.

In the result, this CrI.MC is allowed, and Annexure I Final Report in C.C.No.1512 of 2022 on the file of Judicial First Class Magistrate Court-I, Kannur, stands quashed. Sd/- SOPHY THOMAS JUDGE SSK/23/01 APPENDIX OF CRL.MC 10740/2023 PETITIONER ANNEXURES Annexure -I CERTIFIED COPY OF FINAL REPORT DATED 29.11.2022 IN CRIME NO. 1258/2022, KANNUR TOWN POLICE STATION Annexure - TRUE COPY OF THE AFFIDAVIT SWORN IN BY THE 2ND II RESPONDENT Annexure TRUE COPY OF THE AFFIDAVIT SWORN IN BY THE 3RD -III RESPONDENT . Annexure - TRUE COPY OF THE AFFIDAVIT SWORN IN BY THE 4TH IV RESPONDENT

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