

Nithin vs State of Kerala

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Court : Kerala

Decided On : Feb-10-2023

Judge : Honourable Mr.Justice V.G.Arun

Appeal No. : Crl.MC/901/2023

Appellant : Nithin

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.G.ARUN FRIDAY, THE 10TH DAY OF FEBRUARY 2023 / 21ST MAGHA, 1944 CRL.MC NO. 901 OF 2023 Crime No.798 of 2022 of Perinadu Police Station PETITIONER/S:

1 NITHIN AGED 27 YEARS S/O RAVEENDRAN PILLAI CHERUKOICKAL PERUNAD .P.O .PATHANAMTHITTA, PIN - 689711 2 ASWIN P.MOHAN AGED 29 YEARS S/O P.S MOHANANAN NANDANAM,MAMPRA PERUNAD .P.O .PATHANAMTHITTA, PIN - 689711 3 RAGESH AGED 27 YEARS S/O RAGHU KUMAR ,RATHEESH BHAVAN PERUNAD .P.O . PATHANAMTHITTA, PIN -

689711 4 ASWIN SABU AGED 25 YEARS, S/O LATE SABU SASTHAMPARAMPIL HOUSE PERUNAD .P.O .PATHANAMTHITTA, PIN - 689711 5 AKHIL AGED 23 YEARS, S/O S.N VASUDEVAN PILLAI SASTHAMPARAMBIL HOUSE PERUNAD .P.O .PATHANAMTHITTA, PIN - 689711 BY ADV K.N.MUHAMMED THANVEER

RESPONDENT/S: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 2 JOTHIMON AGED 42 YEAR, S/O B.K. THANKACHAN RESIDING AT SREEPADMAM BUILDINGS ATHIKAYAM,BATHANIMALA,PERINADU P.O PATHANAMTHITTA, PIN - 689711 BY ADV PUBLIC PROSECUTOR OTHER PRESENT: PP MAYA ANTHARJANAM THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 10.02.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -2-

ORDER

Dated this the 10th day of February, 2023 The petitioners are accused Nos.1 to 5 in Crime No.798 of 2022 of Perinadu Police Station, registered for offences punishable under Sections 143, 147, 149, 341, 294(b), 427 and 323 of IPC and Sections 3 and 5 of the Kerala Prevention of Damage to Private Property and Payment of Compensation Act, 2019.

2. The allegation is that out of political

enmity, the petitioners waylaid and assaulted the de facto complainant while he was moving about in an announcement vehicle. The petitioners also forcibly removed and threw away the mike and speakers used for announcement. This Crl.M.C is filed, seeking to quash the FIR and further proceedings in Crime No.798 of 2022 on the strength of the settlement arrived between the parties. -3-

3. I heard learned Counsel for the petitioners, learned Counsel for the de facto complainant and the learned Public Prosecutor.

4. Perusal of the records shows that the

incident had occurred at the spur of the moment and the de facto complainant sustained only minor injuries. Moreover, no element of public interest is involved.

5. Learned Public Prosecutor submitted that

the de facto complainant had given a statement to the police reiterating the factum of settlement. As such, no purpose will be served by continuing the criminal proceedings.

6. I am also guided by the judgments of the

Apex Court in B.S.Joshi and others v State of Haryana and another [2003(4) SCC 675], Narinder Singh and others v. State of Punjab and another [2014 KHC 4195], Yogendra Yadav and others v. State of Jharkhand and another [2014 KHC 4470].

-4- For the aforementioned reasons, the Crl.M.C is allowed, based on the settlement arrived at between the parties. The FIR and all further proceedings in Crime No.798 of 2022 of the Perinadu Police Station, as against the petitioners are quashed. Sd/- V.G.ARUN JUDGE Sc/ -5- APPENDIX OF CRL.MC 901/2023 PETITIONER ANNEXURES Annexure1 CERTIFIED COPY OF FIR IN CRIME NO. 798 OF 2022 OF PERINADU POLICE STATION,PATHANAMTHITTA DATED 3/12/2022 Annexure2 AFFIDAVIT OF DEFACTO-COMPLAINANT/R2 DATED 5/01/2023

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