

Obold vs State of Kerala

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Court : Kerala

Decided On : Apr-25-2023

Judge : Honourable Mr.Justice Ziyad Rahman a.a.

Appeal No. : Crl.MC/2520/2023

Appellant : OBOLD

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
TUESDAY, THE 25TH DAY OF APRIL 2023 / 5TH VAISAKHA, 1945
AGAINST THE ORDER/JUDGMENTCC 553/2020 OF JUDICIAL
MAGISTRATE OF FIRST CLASS ,VARKALA PETITIONER: OBOLD
AGED 37 YEARS S/O DAVID, VELIKKAKAM VEEDU, ANCHUTHENGU
VILLAGE, ANCHUTHENGU, THIRUVANANTHAPURAM, PIN - 695309
BY ADV S.NIDHEESH RESPONDENTS: 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA, PIN - 682031 2 JAROM S/O JOSEPH, AGED 53,
PAVITHRAM NIVAS, THARISU PARAMBU, POOTHURA DESOM,
SARKKARA VILLAGE, CHIRAYINKEEZHU TALUK,

THIRUVANANTHAPURAM, PIN - 695101 3 SHAJAHAN S/O KASIM,
THAIVILAKOM HOUSE, OTTAPANA THERUVU, PERUMATHURA,
THIRUVANANTHAPURAM, PIN - 695303 BY ADV PUBLIC
PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 25.04.2023, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

ZIYAD RAHMAN A.A., J.

----- Crl.M.C.No.2520 of 2023
----- Dated this the 25th day of April, 2023

ORDER

Petitioner is the 2nd accused in Crime No.11/2019 of Anchuthengu Coastal Police Station, which is now pending as C.C.No.553/2020 on the file of Judicial First Class Magistrate Court-I, Varkala. The offences alleged against the petitioner and the other accused are under Sections 143, 144, 147, 148, 149, 341, 294(b) and 427 of Indian Penal Code.

2. The 2nd and 3rd respondents are the victims of the Crime. Annexure-1 is the final report submitted. This Criminal M.C. is filed to quash all further proceedings pursuant to Annexure-1 as against the petitioner who is the 2nd accused.

3. Heard Sri.S.Nidheesh the learned counsel appearing

for the petitioner and Smt.Maya.M.N. the learned Public Prosecutor for the state and Sri.Kunjappeasow Rainge, the learned Counsel appearing for the 2nd and 3rd respondents.

4. Prayer for quashing the proceedings is sought

mainly on the ground that the dispute between the parties has been settled. Annexure-2 affidavit sworn by the de facto complainant is filed along with this Crl.M.C. to substantiate the settlement. In the said affidavit, the 2nd and 3rd respondents/de facto complainant had specifically acknowledged the aforesaid

settlement and also conveyed the no-objection to quash the proceedings against the petitioners herein. The learned counsel appearing for the 2 nd and 3rd respondents/de facto complainant also confirms the same. The learned Public Prosecutor, upon instructions, submitted that the Station House Officer concerned has verified the veracity of the same and found it to be genuine.

5. The allegations would reveal that the dispute is

purely private in nature. In such circumstances, by applying the principles laid down by the Honourable Supreme Court in *Gian Singh v. State of Punjab and Another* [(2012) 10 SCC 303], proceedings can be quashed by invoking the powers of this Court under Section 482 Cr.P.C. This is particularly because, on account of the settlement, no fruitful purpose would be served by allowing the prosecution to continue. In the result, this Crl.M.C. is allowed, and Annexure-1 FIR submitted in crime No.11 of 2019 of Anchuthengu Police Station and all further proceedings C.C.No.553 of 2020 on the file of the Judicial First Class Magistrate Court-I, Varkala against the petitioner are hereby quashed.

Sd/- ZIYAD RAHMAN A.A. JUDGE saap APPENDIX OF CRL.MC 2520/2023
PETITIONER ANNEXURES Annexure 1 . CERTIFIED COPY OF THE FINAL
REPORT IN C.C.553/2020 ON THE FILED OF JUDICIAL FRIST CLASS
MAGISTRATE COURT VARKALA Annexure2 TRUE COPY OF THE AFFIDAVIT
OF THE 2ND RESPONDENT Annexure 3 TRUECOPY OF THE AFFIDAVIT OF
THE 3RD RESPONDENT //True Copy//PA to Judge

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