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Pradeep 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/2826/2023

Appellant : Pradeep

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 PROCEEDINGS IN C.C. NO.502/2019 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, OTTAPPALAM, PALAKKAD DISTRICT) PETITIONERS/ACCUSED NOS.1 TO 5: 1 PRADEEP, AGED 38 YEARS, S/O. SANKARANARAYAN P., PULKUZHITHODI HOUSE, 2 BALACHANDRAN N.P., AGED 47 YEARS, S/O. KOTHA N.P., NADUTHODIPARAMBIL HOUSE, 3 RAHUL P., AGED 30 YEARS, S/O. RAMANKUTTY, PULICKAL HOUSE, 4 SUNILKUMAR K., AGED 39 YEARS, S/O. CHANDRAN, KALLIYATH HOUSE, 5 VENUGOPALAN P., AGED 33 YEARS, S/O. GOPI,

PALUTHODI HOUSE, BY ADVS. K.B.ARUNKUMAR POOJA K.S. -2- RESPONDENTS/STATE AND DE FACTO COMPLAINANTS:

1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN-682 031. 2 THE SUB INSPECTOR OF POLICE, SHORNUR POLICE STATION, SHORNUR, PALAKKAD DISTRICT, PIN-679 121. 3 M. BALAKRISHNAN, AGED 85 YEARS, S/O. BALAKRISHNAN NAIR, MAMBATTA HOUSE, 4 RAMANI M.K., AGED 75 YEARS, W/O. BALAKRISHNAN M., MAMBATTA HOUSE, R1&R2 SMT. REKHA S., SENIOR PUBLIC PROSECUTOR R3&R4 ADV. RANJIT BABU THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION

ON 25.04.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -3-

ORDER

Dated this the 25th day of April, 2023 The petitioners are accused Nos.1 to 5 in Crime

No.264/2019 of Shornur Police Station which is now pending as C.C. No.502/2019 on the file of Judicial First Class Magistrate Court-I, Ottapalam. The offences alleged against the petitioners are under Sections 143, 147, 153, 286, 506(1) read with Section 149 of the Indian Penal Code and also under Section 9B(1)(b) of the Explosives Act. The 3 rd and 4th respondents are the de facto complainants. Annexure 1 is the FIR and Annexure 2 is the final report submitted by the police. This Crl.M.C. is filed to quash all further proceedings against the petitioners pursuant to Annexures 1 and 2.

2. Heard Sri. K.B. Arunkumar, the learned counsel

appearing for the petitioners, Smt. Rekha S., the learned Senior Public Prosecutor and Sri. Ranjit Babu, the learned counsel appearing for 2nd and 3rd respondents/de facto complainants. -4-

3. The prayer for quashing the above proceedings is

sought for by the petitioners on the ground that, the dispute between the parties has been settled and to substantiate the same, the injured persons have sworn Annexure 3 and Annexure 4 affidavits respectively. The aforesaid affidavits indicate that, the matter has been settled and the injured persons have no subsisting grievance against the petitioners herein. They also conveyed that they have no objection in quashing the proceedings against the petitioners herein. The learned counsel for the 2nd and 3rd respondents/injured persons also confirmed the same. The learned Public Prosecutor upon instructions submitted that the veracity of the settlement was verified by the Station House officer concerned and before the SHO also, the injured persons have reiterated that, they do not have any objection in quashing the proceedings as they have no subsisting grievance against the petitioners herein.

4. Going through the materials available on record, it is discernible that, the dispute is basically private in nature -5- and on account of settlement arrived at between the parties, no purpose would be served if the proceedings against the

petitioners herein were allowed to continue. In such circumstances, the chances of a successful prosecution are very bleak. Therefore, I am of the view that going by the decision in Gian Singh v. State of Punjab and Another [2012(4) KLT 108], this is a fit case in which the powers of this Court under Section 482 of the Code of Criminal Procedure can be invoked.

Accordingly, this Crl.M.C. is allowed. Annexure 2 final report in Crime No.264/2019 of Shornur Police Station and all further proceedings in C.C. No.502/2019 pending before the Judicial First Class Magistrate Court-I, Ottapalam as against the petitioners are hereby quashed. Sd/- ZIYAD RAHMAN A.A. JUDGE bpr -6- APPENDIX OF CRL.MC 2826/2023 PETITIONERS' ANNEXURES Annexure 1 THE TRUE COPY OF THE FIR IN CRIME NO. Annexure 2 THE CERTIFIED COPY OF THE FINAL REPORT ALONG WITH MEMORANDUM OF WITNESSES IN CRIME NO. 264/2019 OF SHORNUR POLICE STATION NOW RENUMBERED AS C.C. NO.502/2019 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT-1, OTTAPALAM Annexure 3 THE AFFIDAVIT

DATED 01.03.2023 EXECUTED BY THE 3RD RESPONDENT Annexure 4 THE AFFIDAVIT DATED 01.03.2023 EXECUTED BY THE 4TH RESPONDENT

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