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Sreekumar vs State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1353920

Court : Kerala

Decided On : Apr-25-2023

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

Appeal No. : Crl.MC/3057/2023

Appellant : Sreekumar

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 335/2021 OF JUDICIAL MAGISTRATE OF FIRST CLASS - III, KOLLAM PETITIONERS:

1 SREEKUMAR AGED 30 YEARS MANNANTAZHIKAM VEEDU, KRA-63, THIRUMULLAVARAM PO, KOLLAM., PIN - 691012 2 HARIKRISHNAN @ HARI AGED 27 YEARS S/O MUTHUKRISHNAN, MANNANTAZHIKAM VEEDU, KRA-68, THIRUMULLAVARAM PO, KOLLAM., PIN - 691012 3 AJITH AGED 38 YEARS S/O NANU, MANNANTAZHIKAM VEEDU, KRA-79, THIRUMULLAVARAM PO,

KOLLAM., PIN - 691012 BY ADVS. C.R.JAYAKUMAR NOBEL RAJU ABHIRAMI.R

RESPONDENTS:

1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 2 THE STATION HOUSE OFFICER KOLLAM WEST POLICE STATION, COLLECTORATE PO, KOLLAM DISTRICT., PIN - 691013 3 VIPIN KUMAR AGED 22 YEARS S/O VINU KUMAR, ARATHIL PURAYIDAM, KANKATH NAGAR-114, KOLLAM WEST VILLAGE, KOLLAM TALUK,M KOLLAM DISTRICT., PIN - 691012 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.3057 of 2023 ----------

Dated this the 25th day of April, 2023

ORDER

Petitioners are the accused 1 to 3 in Crime No.1158/2021 of Kollam West Police Station, Kollam, which is now pending as C.C.No.335/2021, before the Judicial First Class Magistrate Court-III, Kollam. The offences alleged against the petitioners are under Sections 249(b), 323, 325 read with Section 34 of Indian Penal Code.

2. The 3rd respondent is the defacto complainant. Annexure-A1 is the FIR and Annexure-A2 is the final report submitted. This Criminal M.C. is filed to quash all further proceedings pursuant to Annexure- A2.

3. Heard Sri.C.R.Jayakumar the learned counsel appearing for the petitioner and Smt.Maya.M.N. the learned Public Prosecutor for the state and Sri.B.Sibi, the

learned Counsel appearing for the 3 rd respondent/defacto complainant.

4. Prayer for quashing the proceedings is sought mainly on the ground that the dispute between the parties

has been settled. Annexure-A3 affidavit sworn by the 3 rd respondent/de facto complainant is filed along with this Crl.M.C. to substantiate the settlement. In the said affidavit, the 3rd respondent/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 3 rd respondent/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-A1 FIR submitted in crime No.1158 of 2021 of Kollam West Police Station and all further proceedings in C.C.No.335 of 2021 on the file of the Judicial First Class Magistrate Court- III, Kollam against the petitioner are hereby quashed. Sd/- ZIYAD RAHMAN A.A. JUDGE saap APPENDIX OF CRL.MC 3057/2023 PETITIONER ANNEXURES Annexure A1 TRUE COPY OF THE FIR IN CRIME NO. KOLLAM DATED 18.11.2021. Annexure A2 TRUE COPY OF THE FINAL REPORT IN CRIME NO. 1158/2021 OF KOLLAM WEST POLICE STATION; KOLLAM WHICH IS NUMBERED AS CC NO. 335/2021 ON THE FILES OF LEARNED JFMC-III, KOLLAM DATED 30.11.2021. Annexure A3 THE AFFIDAVIT PREPARED BY THE 3RD RESPONDENT DATED 01/04/2023. //True Copy//PA to Judge

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