

Edward vs State of Kerala

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Court : Kerala

Decided On : Sep-30-2023

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Crl.MC/5067/2023

Appellant : Edward

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
SATURDAY, THE 30TH DAY OF SEPTEMBER 2023 / 8TH ASWINA,
CRL.MC NO. 5067 OF 2023 AGAINST THE ORDER/JUDGMENT CC
1141/2022 OF JUDICIAL MAGISTRATE OF FIRST CLASS -
II(MOBILE),ALAPPUZHA PETITIONER/ACCUSED: EDWARD AGED 55
YEARS, PUNNEKEL HOUSE, WARD 23, MARARIKULAM SOUTH
KALAVOOR PO, ALAPPUZHA, PIN - 688 522. BY ADVS. MANU
HARSHAKUMAR S.GULZAR ROHIT T. GOVIND CHANDRABHANU
RESPONDENT/STATE/DE FACTO COMPLAINANT: 1 STATE OF
KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, PIN - 682 031. 2 MARY BASTIN AGED 43, PUNNEKEL

HOUSE, WARD 23, MARARIKULAM SOUTH KALAVOOR PO, ALAPPUZHA, PIN - 688 522. BY ADVS. JEEVAN BALAKRISHNAN(FOR R2) ADARSH S K.A NOUSHAD -SENIOR PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30.09.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: :2:

ORDER

Dated this the 30th day of September, 2023 Petitioner is the sole accused in Crime No.317/2022 of Mannanchery Police Station, Alappuzha District, which is now pending as C.C. No.1141/2022 on the file of the Judicial First Class Magistrate Court-II, Alappuzha District, alleging commission of offences punishable under Sections 294(b), 323, 354, 506(1) and 509 of the Indian Penal Code.

2. Learned counsel appearing for the petitioner

would submit that the entire issues between the petitioner

appearing for the petitioner also refers to Annexure III affidavit executed by the 2nd respondent to establish that the entire issues between the petitioner and the 2nd respondent have been settled and the 2nd respondent does not intend to continue with the proceedings against the petitioner. :3:

3. Learned Senior Public Prosecutor and the

learned counsel appearing for the 2nd respondent affirms that the entire disputes between the petitioner and the 2nd respondent have been settled and that the 2nd respondent does not wish to continue with the proceedings against the petitioner.

4. Having heard the learned counsel appearing

for the petitioner, learned Senior Public Prosecutor and the learned counsel appearing for the 2nd respondent, I am of the view that this CrI.M.C. can be allowed on the ground of settlement. There is no public interest involved in

continuing the proceedings against the petitioner. Keeping in mind the the principles laid down by the Supreme Court in Gian Singh v. State of Punjab and Another; (2012) 10 SCC 303, and B.S.Joshi v. State of Haryana; AIR 2003 SC 1386, further proceedings against the petitioner can be quashed on the ground of settlement. :4: Accordingly, the Crl.M.C is allowed and all further proceedings in C.C. No.1141/2022 on the file of the Judicial First Class Magistrate Court-II, Alappuzha District (Crime No.317/2022 of Mannanchery Police Station) will stand quashed as against the petitioner.

Sd/- GOPINATH P. JUDGE AMR :5: APPENDIX OF CRL.MC 5067/2023 PETITIONERS ANNEXURES Annexure1 TRUE COPY OF FIR AND FIS IN CRIME NO STATION. Annexure II CERTIFIED COPY OF FINAL REPORT IN CC NO 1141/2022 OF JUDICIAL FIRST CLASS MAGISTRATE COURT II ALAPPUZHA. Annexure III AFFIDAVIT SWORN BY THE 2ND RESPONDENT DATED 19.06.2023. Annexure IV AFFIDAVIT SWORN BY THE 2ND RESPONDENT SUBMITTED BEFORE JUDICIAL FIRST CLASS MAGISTRATE COURT II ALAPPUZHA.

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