

Raju 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/5449/2023

Appellant : RAJU

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. 5449 OF 2023 AGAINST THE ORDER/JUDGMENT CC
580/2023 OF JUDICIAL MAGISTRATE OF FIRST CLASS
,IRINJALAKUDA PETITIONER/ACCUSED: RAJU AGED 43 YEARS,
S/O SIVANANDHAN, PALAKKAVALI HOUSE, MAYITHARA DESOM,
KANCHIKUZHI VILLAGE, CHERTHALA TALUK, ALAPUZHA DISTRICT,
PIN - 688 539. RAJESH CHAKYAT RESPONDENTS/STATE, DEFACTO
COMPLAINANT & I.O:

1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682 031. 2 NITHYA AGED 38
YEARS, D/O KARUNAKARAN, VAZHAPARAMBIL HOUSE ,
KALLAYIMOOLA VILLAGE, P.O. VARANDARAPILLY, CHALAKUDY
TALUK, 3 THE STATION HOUSE OFFICER VARANDARAPILLY
POLICE STATION, VARANDARAPPILLY, SRI.BIJU .C. ABRAHAM
(FOR R2) NOUSHAD KA- 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 accused in Crime No.49/2023 of Varandarapilly Police Station, Thrissur District, which is now pending as C.C. No.580/2023 on the file of the Judicial First Class Magistrate Court, Irinjalakuda, alleging commission of offences punishable under Sections 323, 324 and 498A of the Indian Penal Code.

2. Learned counsel appearing for the petitioner

would submit that the entire issues between the petitioner and the 2nd respondent (the de facto complainant) have been settled. Learned counsel appearing for the petitioner also refers to Annexure 2 affidavit executed by the 2 nd respondent to establish that the entire issues between the petitioner and the 2nd respondent have been settled and the 2 nd respondent does not intend to continue with the proceedings against the petitioner.

3. Learned Senior Public Prosecutor and the learned counsel appearing for the 2nd respondent affirms that the :3:

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. Therefore, in exercise of the jurisdiction vested in this Court under Section 482 of the Code of Criminal Procedure, further proceedings against the petitioner can be quashed on the ground of settlement.

Accordingly, the CrI.M.C is allowed and all further proceedings in C.C No.580/2023 on the file of the Judicial First Class Magistrate Court, Irinjalakuda (Crime No.49/2023 of Varandarapilly Police Station) will stand quashed as against the petitioner. Sd/- GOPINATH P. JUDGE AMR :4: APPENDIX OF CRL.MC 5449/2023 PETITIONERS ANNEXURES Annexure 1 A TRUE COPY OF THE FINAL REPORT IN CRIME NO.49/2023 OF IRINJALAKUDA POLICE DATED 26.03.2023. Annexure 2 ORIGINAL COPY OF THE COMPOUNDING AFFIDAVIT DATED 05.07.2023 BY THE 2ND RESPONDENT.

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