

Aswinikumar vs State of Kerala

Aswinikumar vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1374975

Court : Kerala

Decided On : Sep-30-2023

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Crl.MC/5679/2023

Appellant : Aswinikumar

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,
1945 CRL.MC NO. 5679 OF 2023 AGAINST THE ORDER/JUDGMENT
CC 503/2019 OF JMFC, KAKKANAD (TEMPORARY)
PETITIONERS/ACCUSED 1 AND 2: 1 ASWINIKUMAR, AGED 40
YEARS S/O.LATE KUMARAN, KANAKA VILAS HOUSE,
PONNAKUDAM ROAD, NEAR ETTUKETTU MANA, KANGARAPPADY,
2 ARUN KUMAR AGED 36 YEARS S/O.LATE KUMARAN, KANAKA
VILAS HOUSE, PONNAKUDAM ROAD, NEAR ETTUKETTU MANA,
KANGARAPPADY, BY ADVS. PRAMEELA.C.K. C.K.PREM RAJ
RESPONDENT/COMPLAINANT: 1 STATE OF KERALA S.H.O.

THADIYITTAPARAMBU POLICE STATION - CRIME NO.80/19)
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM-682031., PIN - 682031 2 SOBHA W/O.SIVAN,
PUNNEKADU HOUSE, PUNNEKADU AREA, VAZHAKULAM,
THADIYITTAPARAMBU, ERNAKULAM DISTRICT., PIN - 683105 ADV.
NOUSHAD KA , PP ADV. BABY NANDINI K. THIS CRIMINAL MISC.
CASE HAVING COME UP FOR ADMISSION ON 30.09.2023, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING: CRL.MC NO.
5679 OF 2023 2

ORDER

Petitioners are the accused in Crime No.80/2019 of Thadiyittaparambu Police Station, Ernakulam District, alleging commission of offences under Sections 294(b), 354B, 323 and 509 r/w. 34 of the Indian Penal Code. The matter is now pending as C.C. No.503/2019 before the Judicial First Class Magistrate Court, Kakkanad.

2. The learned counsel appearing for the petitioners

would submit that the entire issues between the petitioners and the de facto complainant/2nd respondent have been settled. Learned counsel appearing for the petitioners also refers to Annexure-III affidavit executed by the de facto

complainant/2nd respondent to establish that the entire issues

between the petitioners and the de facto complainant/ 2nd respondent have been settled and the de facto complainant does not intend to continue with the proceedings against the petitioner.

3. The learned Public Prosecutor and the learned

counsel appearing for de facto complainant/ 2nd respondent would confirm that the entire issues between the petitioners and 2 nd CRL.MC NO. 5679 OF 2023 3 respondent have been settled and the 2 nd respondent does not wish to continue with the prosecution in any manner.

4. Having heard the learned counsel for the

petitioners, the learned Public Prosecutor and the learned counsel for respondent No.2 , I am of the view that this is fit case where the jurisdiction of this Court under Section 482 of Cr.P.C. can be invoked to quash the proceedings against the petitioners on the ground of settlement. No public interest will be served by continuing with the proceedings against the petitioners. It is unlikely that the State will be able to successfully prosecute the case against the petitioners . The nature of the offences does not compel me to hold that the proceedings cannot be quashed on the ground of settlement. Accordingly, this Crl.M.C. is allowed and all further proceedings in C.C. No.503/2019 on the file the Judicial First Class Magistrate Court, Kakkanad (arising out of Crime No.80/2019 of Thadiyittaparambu Police Station, Ernakulam District), will stand quashed as against the petitioners. Sd/- GOPINATH P., JUDGE ajt CRL.MC NO. 5679 OF 2023 4 APPENDIX OF CRL.MC 5679/2023 PETITIONER ANNEXURES Annexure 1 CERTIFIED COPY OF THE COMPROMISE PETITION FILED BEFORE THE FAMILY COURT, MUVATTUPUZHA DATED 26.1.2023 Annexure II CERTIFIED COPY OF THE FINAL REPORT IN CHARGE SHEET BEFORE JUDICIAL FIRST CLASS MAGISTRATE COURT, KAKKANAD AS 503/2019 DATED 18.2.2019 Annexure III ORIGINAL AFFIDAVIT FILED BY THE 2ND RESPONDENT DATED 17.3.2023