

Bindu vs State of Kerala

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Court : Kerala

Decided On : Sep-19-2023

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Crl.MC/5789/2023

Appellant : BINDU

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
TUESDAY, THE 19TH DAY OF SEPTEMBER 2023 / 28TH BHADRA,
1945 CRL.MC NO. 5789 OF 2023 CRIME NO.867/2022 OF OCHIRA
POLICE STATION, KOLLAM IN CC 192/2023 OF JUDICIAL
MAGISTRATE OF FIRST CLASS, KARUNAGAPPALLY

PETITIONERS/ACCUSED NOS. 1 TO 4: 1 BINDU AGED 50 YEARS,
W/O MOHANDAS, KOCHUVEETIL VADAKE HOUSE,
VADAKKUMTHALA EAST P.O., PANMANA VILLAGE, KOLLAM
DISTRICT, PIN - 690 536. 2 HAYARUNIZA AGED 53 YEARS, W/O
ANSARUDDIN, RAHIM MANZILIL HOUSE, EDAPALLYKOTTA P.O.,
PANMANA VILLAGE, KOLLAM DISTRICT, PIN - 691 583. 3 NISHA

AGED 36 YEARS, W/O ANOOP, PUTHENPADATHU HOUSE, KULASEKHARAPURAM P.O., ATHINAD VILLAGE, KOLLAM DISTRICT, PIN - 690 544. 4 SHEELA AGED 49 YEARS, W/O STANELY COOPERATIVE BUILDING, THANGASSERRY P.O., KOLLAM WEST VILLAGE, KOLLAM DISTRICT, PIN - 691 007. BY ADV VISHAK.K.JOHNSON RESPONDENTS/STATE AND COMPLAINANTS: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM ON BEHALF OF THE STATION HOUSE OFFICER OF OACHIRA POLICE STATION, PIN - 682 031.

2 SMITHA AGED 42 YEARS, W/O ANILKUMAR, PONEL KIZHAKKATHIL VEEDU, KUTTIPPURAM, THAZHAVA P.O., CrI.M.C. NO.5789 OF 2023 2 3 SHEEBA AGED 45 YEARS, W/O AJI, VALYATH PADINJATTATHIL, KUTHIRAPANTHI P.O., THAZHAVA, 4 BINDU AGED 42 YEARS, W/O UNNIKRISHNAN, KRISHNALAYAM, KUTHIRAPANTHI P.O., THAZHAVA, 5 SUSEELA AGED 59 YEARS, W/O VISWANADHAN, SUDARSANAM, KUTHIRAPANTHI P.O., THAZHAVA,

6 SULA AGED 45 YEARS, W/O SUBASTHITHAN, SULALAYAM VEETIL, VALIYAKULANGARA, OACHIRA, KOLLAM DISTRICT, PIN - 690 526. 7 SINDU AGED 42 YEARS, W/O RAJENDRAN, DEVADARU KIZHAKKIDA THEKKATHIL, PATHARAM, SOORANAD, KOLLAM DISTRICT, PIN - 690 522. 8 DEEPA AGED 44 YEARS, W/O AJAYAGOSH, DEEPTHI BHAVANAM, KUTHIRAPANTHI P.O., THAZHAVA, BY ADVS. NOUSHAD K.A (SR.PP) S. NITHIN (ANCHAL) (FOR R2 TO R8) THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 19.09.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CrI.M.C. NO.5789 OF 2023 3

ORDER

Petitioners are the accused in Crime No.867/2022 of the Ochira Police Station, Kollam District, alleging commission of offence under Section 420 and Section 34 of the Indian Penal Code. The matter is now pending as C.C.No.192/2023 on the files of the Judicial First Class Magistrate Court, Karunagappally.

2. The allegation against the petitioners is that the

petitioners projecting themselves as members of the Sathya Sai Baba Trust, approached the defacto complainants, stating that they can arrange a loan of Rs.2,00,000/- for each of them and collected an amount of Rs.2,000/- from each of the defacto complainants on that ground. The allegation is that the petitioners have collected a total amount of Rs.14,000/- in the above manner.

3. The learned counsel appearing for the petitioners

would submit that the entire issues between the petitioners and the defacto complainants (respondents 2 to 8) have been settled and respondents 2 to 8 do not wish to continue with the proceedings in any manner. The learned counsel would also rely on Annexure-A3 to Annexure-A9 affidavits executed by

respondents 2 to 8 in support of his contention that the issues

Crl.M.C. NO.5789 OF 2023 4 have been settled.

4. The Senior Public Prosecutor and the learned

counsel appearing for respondents 2 to 8 would confirm that respondents 2 to 8 have settled the matter with the petitioners and they do not wish to continue with the prosecution in any manner.

5. Having heard the learned counsel appearing for the

petitioners, learned Senior Public Prosecutor and the learned counsel appearing for respondents 2 to 8, and having perused Annexure-A3 to Annexure-A9 affidavits executed by respondents 2 to 8, I am of the view that this is a 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. No public interest will be served by continuing with the proceedings against the petitioners. Accordingly, this Crl.M.C is allowed and all further proceedings in C.C.No.192/2023 on the files of the Judicial First Class Magistrate Court, Karunagappally (Crime No.867/2022 of the Ochira Police Station, Kollam District) will stand quashed as against the petitioners. Sd/-

GOPINATH P. JUDGE ats Crl.M.C. NO.5789 OF 2023 5 APPENDIX OF CRL.MC 5789/2023 PETITIONERS ANNEXURES Annexure A1 CERTIFIED COPY COPY OF THE FIR IN CRIME NO. Annexure A2 CERTIFIED COPY OF THE FINAL REPORT WHICH IS NUMBERED AS CC NO. 192/2023 ON THE FILES OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KARUNAGAPPALLY Annexure A3 TRUE COPY OF THE AFFIDAVIT SWORN BY THE 2ND Annexure A4 TRUE COPY OF THE AFFIDAVIT SWORN BY THE 3RD Annexure A5 TRUE COPY OF THE AFFIDAVIT SWORN BY THE 4TH Annexure A6 TRUE COPY OF THE AFFIDAVIT SWORN BY THE 5TH Annexure A7 TRUE COPY OF THE AFFIDAVIT SWORN BY THE 6TH Annexure A8 TRUE COPY OF THE AFFIDAVIT SWORN BY THE 7TH Annexure A9 TRUE COPY OF THE AFFIDAVIT SWORN BY THE 8TH

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