

Mohanan vs State of Kerala

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Court : Kerala

Decided On : Nov-08-2023

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Crl.MC/6357/2023

Appellant : Mohanan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
WEDNESDAY, THE 8TH DAY OF NOVEMBER 2023 / 17TH
KARTHIKA, 1945 CRL.MC NO. 6357 OF 2023 CC 113/2023 OF
JUDICIAL MAGISTRATE OF FIRST CLASS -V,
THIRUVANANTHAPURAM(SPECIAL COURT-MARKLIST CASES)
Crime No.62 of 2023 of Mannanthala Police Station,
Thiruvananthapuram PETITIONER/ACCUSED : MOHANAN AGED 68
YEARS S/O. THANKAPPAN, ROHINI NIVAS, PUTHENVILA,
KUDAPPANAKUNNU PO, PIN - 695043 BY ADVS. ANOOP JOSEPH
ZERENE LINDA MITCHEL ASWANI THUVVAKKADAN V.C.SURESH
BABU ATHULYA K. RESPONDENTS/STATE & DEFACTO

COMPLAINANT : 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM., PIN - 682031 2 THE STATION HOUSE OFFICER MANNANTHALA POLICE STATION, THIRUVANANTHAPURAM CITY- 695012, PIN - 695012 3 NIDHI D AGED 21 YEARS D/O.DEEPTHI, AISWARYA HOUSE, NEAR PUTHENVILA DEVI TEMPLE, PATHIRAPPALLI, KUDAPPANAKUNNU PO, PIN - 695043 NOW AT THULASIDARAVILASOM, ABRA 421, ANOOR RESIDENCE ASSOCIATION, NEAR CSI CHURCH, MANGATTUKADAVU ROAD, THIRUMALA P.O., THIRUVANANTHAPURAM-695006 BY ADV K.A.ROSEFLY OTHER PRESENT: SRI K.A. NOUSHAD (SR PP) THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 08.11.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

The petitioner faces prosecution under Sections 294(b), 323, 324, 427 and 506 of the Indian Penal Code. A crime was registered against the petitioner as Crime No.62 of 2023 of Mannanthala Police Station, Thiruvananthapuram, alleging commission of offences under the aforesaid provisions of law. The matter is now pending as C.C.No.113 of 2023 on the file of the Judicial First Class Magistrate Court-V (Special Court for Mark list cases), Thiruvananthapuram.

2. The allegation is that the petitioner being the

land lord of the third respondent/defacto complainant with an intention to cause her physical hurt and to commit assault on her for keeping a pet dog, trespassed into the compound and threatened the defacto complainant and that by seeing the defacto complainant recording the incident on her mobile phone, the petitioner hit on her hand by using a weapon he carried with him and caused hurt on her by hitting on her head with his hands on 25.01.2023 at 11.30 a.m. and thereby, the petitioner committed the offences alleged against him.

3. The learned counsel appearing for the petitioner

would submit that the entire disputes between the petitioner and the defacto complainant (third respondent) have been settled, as is evident from Annexure-A3 fresh affidavit dated 20.10.2023 executed by the third respondent/defacto complainant. It is submitted that no useful purpose would be served in continuing with the prosecution against the petitioner in the light of the settlement of all issues between the petitioner and the third respondent/defacto complainant.

4. The learned Public Prosecutor, on instructions,

would submit that the disputes between the petitioner and the third respondent have been settled and the third respondent does not wish to continue with the prosecution against the petitioner.

5. Having heard the learned counsel appearing for

the petitioner and the learned Public Prosecutor and the learned counsel appearing for the third respondent/defacto complainant and keeping in mind the law laid down by the Supreme Court in *Gian Singh v. State of Punjab*; (2012) 10 SCC 303 and *State of M.P. v. Laxmi Narayan*; (2019) 5 SCC 688, I am of the view that the proceedings against the petitioner can be quashed on the ground of settlement. No public purpose would be served by continuing with the proceedings against the petitioner in C.C.No.113 of 2023 on the file of the Judicial First Class Magistrate Court-V (Special Court for Mark list cases), Thiruvananthapuram. The chance of a successful prosecution are also minimal in the light of the settlement arrived at between the parties. In the result, this Crl.M.C. is allowed and all further proceedings against the petitioner in C.C.No.113 of 2023 on the file of the Judicial First Class Magistrate Court-V (Special Court for Mark list cases), Thiruvananthapuram will stand quashed. Sd/- GOPINATH P., JUDGE rkj
APPENDIX OF CRL.MC 6357/2023 PETITIONER ANNEXURES AnnexureA 1 A
TRUE COPY OF THE FIR IN CRIME NO. 62 OF 2023 REGISTERED BY THE
2ND RESPONDENT MANNANTHALA POLICE STATION,
THIRUVANANTHAPURAM CITY Annexure A2 TRUE COPY OF THE CHARGE
SHEET/FINAL

REPORT IN THE ABOVE CRIME BEFORE JUDICIAL FIRST CLASS MAGISTRATE COURT-V (SPECIAL COURT FOR MARK LIST CASES), THIRUVANANTHAPURAM AND THE SAME IS TAKEN ON FILE AS C.C. NO. 113/2023 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-V (SPECIAL COURT FOR MARK LIST CASES), THIRUVANANTHAPURAM Annexure A3 AFFIDAVIT FILED BY THE 3RD RESPONDENT/DEFACTO COMPLAINANT

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