

Nithin C, 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/7228/2023

Appellant : Nithin C,

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. 7228 OF 2023 CRIME NO.858/2023 OF CHAKKARAKALLU POLICE STATION, KANNUR PETITIONERS/ACCUSED:

1 NITHIN C, AGED 33 YEARS, S/O. GOPALAN, LAKSHMI NIVAS, KANNUR TALUK, KANNUR DISTRICT., PIN - 670 018. 2 SIVIN K AGED 33 YEARS, S/O. SATHEESAN K., SNEHALAYAM, EDAKKAD VILLAGE, KANNUR TALUK, KANNUR DISTRICT, THOTTADA P.O., PIN - 670 007. 3 RAHUL RAJ, AGED 33 YEARS, S/O. RAJENDRAN V.V., KUNJIVALAPPIL HOUSE, EDAKKAD VILLAGE, KANNUR TALUK,

KANNUR DISTRICT, THOTTADA P.O., PIN - 670 007. 4 REJEESH KAKKARAKKAL AGED 43 YEARS, S/O. K.PREMARAJAN, KAKKARAKKAL HOUSE, ELAYAVOOR VILLAGE, KANNUR TALUK, KANNUR DISTRICT, THAZHECHOVVA P.O., PIN-670 018. 5 PRAYAG K AGED 33 YEARS, S/O. DHANANJAYAN K., KARIMBUNKARA HOUSE, ELAYAVOOR VILLAGE, KANNUR TALUK, KANNUR DISTRICT, THAZHECHOVVA P.O., PIN - 670 018. BY ADVS. M.B.SHYNI RAJESH KUMAR R.

RESPONDENTS/STATE & DEFACTO COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031. CrI.M.C. NO.7228 OF 2023 2

2 VIJINA.M, AGED 35 YEARS, W/O MANOJ.P.K, KELOTH HOUSE, CHELORA AMSAM, EACHUR.P.O, KANNUR DISTRICT., PIN - 670 613. 3 P.K.MANOJ AGED 48 YEARS, S/O KORAN, KELOTH HOUSE, CHELORA VILLAGE, KANNUR TALUK, KANNUR DISTRICT., PIN - 670 613. 4 P.K.PRAKASAN AGED 62 YEARS, S/O KORAN, KELOTHE HOUSE, MOWANCHERY.P.O, CHELORA VILLAGE, KANNUR TALUK, KANNUR DISTRICT., PIN - 670 613. BY ADVS. NOUSHAD K.A. (SR.PP) RAMEES P.K (FOR R2 TO R4)

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30.09.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CrI.M.C. NO.7228 OF 2023 3

ORDER

Petitioners are accused in Crime No.858/2023 of Chakkarakallu Police Station, Kannur District, alleging commission of offences under Sections 341, 323, 294(b), 354 r/w Section 34 of the Indian Penal Code.

2. The allegation against the petitioners is that on

27-08-2023, at about 2.15 p.m, the petitioners/accused attacked the defacto complainant, her husband and the brother of her husband and thereby they committed the offences alleged against them.

3. The learned counsel appearing for the

petitioners would submit that the complaint was registered on the basis of a misunderstanding and the defacto complainant and other persons, who are allegedly injured, have no objection in the proceedings being terminated in exercise of jurisdiction vested in this Court under Section 482 of Code of Criminal Procedure. Reference is made in this regard to Annexure-2, 3 and 4 affidavits executed by the defacto complainant, her husband and brother of the defacto complainants husband, who are the victims of the

Crl.M.C. NO.7228 OF 2023 4 alleged attack.

4. The learned Senior Public Prosecutor and the learned counsel appearing for respondents 2, 3 and 4 would submit that the matters have been settled between the petitioners and respondents 2, 3 and 4.

5. Having heard the learned counsel appearing for

the petitioners, learned Senior Public Prosecutor and the learned counsel appearing for respondents 2, 3 and 4, I am of the view that the jurisdiction vested in this Court under Section 482 of Cr.P.C can be invoked to quash further proceedings in Crime No.858/2023 of Chakkarakallu Police Station, Kannur District. The allegations against the petitioners are not so heinous that it would compel this Court to refrain from exercising jurisdiction under Section 482 of Cr.P.C, even if the matters have been settled between the defacto complainant and other injured and the accused. Further, keeping the principles laid down by the Supreme Court in Gian Singh v. State of Punjab and Another; (2012) 10 SCC 303, and State of Madhya Pradesh v. Laxmi Narayan and Others;

(2019) 5 SCC 688, I am of the opinion that considering Crl.M.C. NO.7228 OF 2023
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the nature of the offences alleged against the petitioners, the proceedings can be quashed on the basis of settlement. Accordingly, this Crl.M.C is allowed and all further proceedings in Crime No.858/2023 of Chakkarakallu Police Station, Kannur District, will stand quashed as against the petitioners. Sd/- GOPINATH P. JUDGE
ats Crl.M.C. NO.7228 OF 2023 6 APPENDIX OF CRL.MC 7228/2023
PETITIONERS ANNEXURES Annexure 1 A TRUE COPY OF THE FIRST
INFORMATION REPORT IN CRIME NO.858/2023 OF CHAKKARAKALLU
POLICE STATION, KANNUR CITY

Annexure 2 A TRUE COPY OF THE AFFIDAVIT SWORN BY THE 2NDAnnexur

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