

Hermis Morrison vs State of Kerala Represented by the Public Prosecutor

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Court : Kerala

Decided On : Oct-31-2023

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Crl.MC/7436/2023

Appellant : Hermis Morrison

Respondent : State of Kerala Represented by the Public Prosecutor

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. TUESDAY, THE 31ST DAY OF OCTOBER 2023 / 9TH KARTHIKA, 1945 CRL.MC NO. 7436 OF 2023 CRIME NO.2015/2022 OF Kundara Police Station, Kollam PETITIONERS/ACCUSED NOS.1 & 2: 1 HERMIS MORRISON AGED 54 YEARS S/O GANSIOUS MORRISON BUNGLAWIL, TEMPLE NAGAR , SAKTHI KULANGARA PO, KOLLAM (DIST)-, PIN - 691582 2 SUMANGALAMMA B AGED 54 YEARS D/O LATE SREEDHARAN PILLAI THALACHIRA VEEDU, KARIMPINPUZHA PO KOLLAM (DIST), PIN - 691507 BY ADV M.RAJESH RESPONDENTS/COMPLAINANT:

1 STATE OF KERALA REPRESENTED BY THE PUBLIC
PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM, PIN -
682031 2 THE INSPECTOR OF POLICE KUNDARA POLICE STATION
KUNDARA PO, KOLLAM (DIST), PIN - 691501 3 BINDU TM AGED 45
YEARS D/O MARYKUTTY, BINDU BHAVANAM, KOTTARAPPURAM
CHERRY, PERAYAM VILLAGE, MULAVANA PO, KOLLAM, PIN -
691503 SRI G. SUDHEER (PUBLIC PROSECUTOR)

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
31.10.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:
CRL.MC NO.7436/2023 2

ORDER

Dated this the 31st day of October, 2023 Petitioner is the accused in Crime
No.2015 of 2022 of Kundara Police Station, Kollam District, alleging commission of
offences punishable under Sections 294(b), 447 and 506 of the Indian Penal Code
and Section 31(1) of the Protection of Women from Domestic Violence Act, 2005.

2. The allegation against the petitioner is that, on 07.12.2022, the petitioners
criminally trespassed into the house of the third respondent/defacto complainant
and abused her by hurling abusive words.

3. The learned counsel appearing for the petitioners

would submit that the entire issues between the petitioners and the defacto
complainant have been settled. It is submitted that the complaint was filed on the
basis of some misunderstanding. Reference is made in this regard to Annexure - 2
notarized affidavit executed by the defacto complainant. The defacto complainant
is also represented by a counsel.

4. Heard the learned Public Prosecutor also. CRL.MC NO.7436/2023 3

5. The learned Public Prosecutor and the learned

counsel appearing for the defacto complainant would confirm that all issues between the petitioners and the defacto complainant have been settled and they do not wish to continue with the prosecution in any manner.

6. Having heard the learned counsel for the

petitioners, learned Public Prosecutor and the learned counsel for the defacto complainant, I am of the view that the proceedings against the petitioners can be terminated in exercise of the jurisdiction vested in this Court under Section 482 of Cr.P.C. No public interest will be served by continuing with the proceedings 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. 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 view that considering the nature of the offences alleged against the petitioners, the proceedings can be quashed on the basis of settlement.

CRL.MC NO.7436/2023 4 Accordingly, this Crl.M.C is allowed and all further proceedings in Crime No.2015 of 2022 of Kundara Police Station, Kollam District), will stand quashed as against the petitioners. Sd/- GOPINATH P. JUDGE csl CRL.MC NO.7436/2023 5 APPENDIX OF CRL.MC 7436/2023 PETITIONER ANNEXURES Annexure1 THE CERTIFIED COPY OF THE FIR IN CRIME NO. 2015/2022 OF KUNDARA POLICE STATION Annexure2 AN AFFIDAVIT SUBMITTED BY THE 3RD RESPONDENT DATED 26.08.2023

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