

Ambu S vs State of Kerala

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Court : Kerala

Decided On : Nov-30-2023

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Crl.MC/7692/2023

Appellant : AMBU S

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. THURSDAY, THE 30TH DAY OF NOVEMBER 2023 / 9TH AGRAHAYANA, 1945 CRL.MC NO. 7692 OF 2023 IN CC 302/2020 OF JUDICIAL FIRST CLASS MAGISTRATE COURT(TEMPORARY), PARAVUR PETITIONERS/ACCUSED: 1 AMBU S AGED 34 YEARS, S/O SASIDHARAN PILLA, 2 SASIDHARAN PILLA AGED 71 YEARS, S/O BALAKRISHNA KURUP, 3 BABY SREELATHA AGED 63 YEARS, W/O SASIDHARAN PILLA, BY ADV LATHEESH SEBASTIAN RESPONDENTS/STATE & INJURED :

1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682 031. 2 STATION HOUSE

OFFICER PARIPPALLY POLICE STATION, KOLLAM, PIN - 691 574. 3
MEERA S GOPAN AGED 30 YEARS, D/O SHYLAJA, ANJALI,
PANAYAMCHERY, NEAR DARMASASTHA TEMPLE, ANCHAL
VILLAGE, PATHANAPURAM TALUK, KOLLAM, PIN - 691 306. BY
ADVS NEETHU S. VIPIN NARAYAN (SR PP) THIS CRIMINAL MISC.
CASE HAVING COME UP FOR ADMISSION ON

30.11.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:
CRL.MC NO. 7692 OF 2023 2

ORDER

Petitioners are the accused in Crime No.1439/2020 of Parippally Police Station, Kollam district, which is now pending as C.C.No.302/2020 on the file of the Judicial First Class Magistrate Court (Temporary), Paravur, alleging commission of offences punishable under Sections 498A and 34 of the Indian Penal Code.

2. Learned counsel appearing for the petitioners would

submit that the entire issues between the petitioners and the 3rd respondent (the de facto complainant) have been settled. Learned counsel appearing for the petitioners also refers to Annexure-2 affidavit executed by the 3rd respondent to establish that the entire issues between the petitioners and the 3rd respondent have been settled and the 3rd respondent does not intend to continue with the proceedings against the petitioners.

3. Learned Senior Public Prosecutor and the learned counsel appearing for the 3rd respondent confirm that the entire disputes between the petitioners and the 3rd respondent have been settled and that the 3rd respondent does not wish to continue with the proceedings against the petitioners.

4. Having heard the learned counsel appearing for the CRL.MC NO. 7692 OF 2023 3

petitioners, learned Senior Public Prosecutor and the learned counsel appearing for the 3rd respondent, I am of the view that this Crl.M.C. can be allowed on the ground of settlement. There is no public interest involved in continuing the proceedings against the petitioners. Therefore, in exercise of the jurisdiction vested in this Court under Section 482 of the Code of Criminal Procedure, further proceedings against the petitioners can be quashed on the ground of settlement. Accordingly, the Crl.M.C is allowed and all further proceedings in C.C.No.302/2020 on the file of the Judicial First Class Magistrate Court (Temporary), Paravur (arising out of

district) will stand quashed as against the petitioners. Sd/- GOPINATH P. JUDGE
ats CRL.MC NO. 7692 OF 2023 4 APPENDIX OF CRL.MC 7692/2023
PETITIONERS ANNEXURES Annexure 1 TRUE COPY OF THE FINAL REPORT
OF THE 2ND RESPONDENT IN CRIME NO 1439/2020 OF PARIPPALLY
POLICE STATION, KOLLAM DISTRICT Annexure 2 ORIGINAL OF THE
AFFIDAVIT EXECUTED BY THE 3RD RESPONDENT

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