

Usha vs State of Kerala

Usha vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1396316

Court : Kerala

Decided On : Nov-09-2023

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Crl.MC/8284/2023

Appellant : USHA

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
THURSDAY, THE 9TH DAY OF NOVEMBER 2023 / 18TH KARTHIKA,
1945 CRL.MC NO. 8284 OF 2023 CRIME NO.8/2018 OF Ettumanoor
Police Station, Kottayam AGAINST THE ORDER/JUDGMENT CC
765/2018 OF JUDICIAL MAGISTRATE OF FIRST CLASS - I,
ETTUMANOOR PETITIONER/S: USHA AGED 60 YEARS W/O
K.G.RAMAKRISHNAN NAIR, SIVASYLAM HOUSE, PUNNATHURA
WEST PO, ETTUMANUR, KOTTAYAM, PIN - 686631 BY ADV LIJU.
M.P RESPONDENT/S: 1 STATE OF KERALA REP. BY PUBLIC
PROSECUTOR HIGH COURT OF KERALA ERNAKULAM., PIN -
682031 2 RATHESH CHANDRAN AGED 36 YEARS S/O

C.V.CHANDRAN, CHAMAKKALAYIL HOUSE, KATTODU, PUNNATHURA, ETTUMANUR, KOTTAYAM, PIN - 686631 OTHER PRESENT: SRI G. SUDHEER (PP) THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 09.11.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CrI. M.C. No.8284/2023 - 2-

ORDER

The petitioner is the de facto complainant in Crime No.8/2018 of Ettumanoor Police Station, Kottayam District which is now pending as Ettumanoor. The 2nd respondent faces prosecution under Section 354 A (1) of the Indian Penal Code and Section 120 (o) of the Kerala Police Act, in C.C. No.765/2018.

2. When the matter is taken up for consideration today it is the submission of the learned counsel for the petitioner / de facto complainant that all issues between the petitioner and the 2nd respondent have been settled.

3. Heard the learned Public Prosecutor and learned counsel for the 2nd respondent.

4. Having regard to the facts and circumstances of the case and

considering the fact that all issues between the petitioner and the 2nd respondent have been settled and also considering Annexure-2 affidavit of the petitioner / de facto complainant, I am of the view that this is fit case where, the jurisdiction of this Court under Section 482 of Cr.P.C. can be invoked and the proceedings against the accused / 2nd respondent can be quashed on the ground of settlement. 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

CrI. M.C. No.8284/2023 -3- proceedings against the 2nd respondent / accused can be quashed on the ground of settlement. No public purpose would be served by continuing with the proceedings against the 2nd respondent / accused. The chances of a successful prosecution are remote. In the result, this CrI.M.C. is

allowed and all further proceedings against the 2nd respondent / accused, in

Ettumanoor will stand quashed. Sd/- GOPINATH P. JUDGE AMG CrI. M.C. No.8284/2023 -4- APPENDIX OF CRL.MC 8284/2023 PETITIONER ANNEXURES Annexure1 CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.8/2018 OF ETTUMANOOR POLICE STATION, KOTTAYAM Annexure2 ORIGINAL OF THE AFFIDAVIT DATED 25.09.23 EXECUTED BY THE PETITIONER/ DEFACTO COMPLAINANT

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com