

Pramod 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/9227/2023

Appellant : Pramod

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. 9227 OF 2023 CRIME NO.585/2023
OF PATANAKKAD POLICE STATION, ALAPPUZHA IN 971/2023 OF
JUDICIAL MAGISTRATE OF FIRST CLASS -I, CHERTHALA

PETITIONER/ACCUSED: PRAMOD AGED 46 YEARS,
S/O.SARASAPPAN, BY ADV M.S.BREEZ
RESPONDENTS/STATE/DEFACTO COMPLAINANT: 1 STATE OF
KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, ERNAKULAM, PIN - 682 031. 2 SANGEETHA AGED 39
YEARS, W/O.PRAMOD, BY ADVS. SRI NOUSHAD K.A. (SR PP) SRI.

K.R.RAJKUMAR (FOR R2) 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. 9227 OF 2023 2

ORDER

Petitioner is the sole accused in Crime No.585/2023 of Pattanakkad Police Station, Alappuzha district, which is now pending as C.C.No.971/2023 on the file of the Judicial First Class Magistrate Court-I, Cherthala, alleging commission of offences punishable under Sections 498A, 506 (ii) and 323 of the Indian Penal Code.

2. Learned counsel appearing for the petitioner would

submit that the entire issues between the petitioner and the 2nd respondent (the de facto complainant) have been settled. Learned counsel appearing for the petitioner also refers to Annexure-A3 notarized affidavit executed by the 2 nd respondent to establish that the entire issues between the petitioner and the 2nd respondent have been settled and the 2 nd respondent does not intend to continue with the proceedings against the petitioner.

3. Learned Senior Public Prosecutor and the learned

counsel appearing for the 2nd respondent confirm that the entire disputes between the petitioner and the 2nd respondent have been settled and that the 2nd respondent does not wish to continue with the proceedings against the petitioner.

4. Having heard the learned counsel appearing for the CRL.MC NO. 9227 OF 2023 3

petitioner, learned Senior Public Prosecutor and the learned counsel appearing for the 2nd 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 petitioner. Therefore, in exercise of the jurisdiction vested in this Court under Section 482 of

the Code of Criminal Procedure, further proceedings against the petitioner can be quashed on the ground of settlement. Accordingly, the Crl.M.C is allowed and all further proceedings in C.C.No.971/2023 on the file of the Judicial First Class Magistrate Court-I, Cherthala (arising out of Crime No.585/2023 of Pattanakkad Police Station, Alappuzha district) will stand quashed as against the petitioner.

Sd/- GOPINATH P. JUDGE ats CRL.MC NO. 9227 OF 2023 4 APPENDIX OF CRL.MC 9227/2023 PETITIONERS ANNEXURES Annexure-A1 THE TRUE COPY OF THE F.I.R. DATED 20-06-2023 IN CRIME NO.585/2023 OF PATTANAKKAD POLICE STATION, ALAPPUZHA Annexure -A2 THE CERTIFIED COPY OF THE FINAL REPORT DATED 25-07-2023 ALONG WITH THE STATEMENT OF WITNESSES IN CRIME NO.585/2023 OF PATTANAKKAD POLICE STATION Annexure -A3 A TRUE COPY OF THE NOTARIZED AFFIDAVIT DATED 27-10-2023 SWORN BY THE 2ND RESPONDENT

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