

Sreenath vs State of Kerala

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Court : Kerala

Decided On : Jan-31-2023

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.MC/8701/2022

Appellant : Sreenath

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS TUESDAY, THE 31ST DAY OF JANUARY 2023 / 11TH MAGHA, 1944 PETITIONER: SREENATH AGED 32 YEARS KAVARALL HOUSE,PULIYANAM.P.O.,PARAKKADAVU,ERNAKULAM, A.J.SHAHEER Dhaneesh RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 2 THE STATION HOUSE OFFICER ANGAMALY POLICE STATION NATIONAL HIGH WAY 47 ERNAKULAM, 3 NARAYANAN ELLAMBILASSERY VEETIL PULIYANAM.P.O. PARAKKADAVU 4 RAJESH, 37 YEARS, PANIKKASSERY VEETIL PULIYANAM.P.O. PARAKKADAVU PUBLIC

PROSECUTOR K.V.SANOSH OTHER PRESENT: PP - SMT.SREEJA V
THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 31.01.2023, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

BECHU KURIAN THOMAS, J.

----- Crl.M.C .No. 8701 of 2022
----- Dated this the 31st day of January, 2023

ORDER

Petitioner has invoked the jurisdiction under Section 482 Cr.P.C to quash all proceedings against them.

2. Petitioner is the sole accused in C.C. No.539/2022 on the files

of the Judicial Magistrate of First Class, Angamaly, registered for the offences under Sections 341, 323, 294(b) and 506 of the Indian Penal Code, 1860. Respondents 3 and 4 are the defacto complainant and the injured witness.

3. Heard Adv.A.J.Shaheer, the learned counsel for the petitioner and Adv.K.V.Santhosh, the learned counsel for the respondents, apart from Smt.Sreeja V., the learned Public Prosecutor.

4. The learned counsel for the petitioner submitted that the

matter has been settled and hence the proceedings against the petitioner ought to be quashed. It was also submitted that, considering the nature of offences alleged, no purpose would be served by continuing the proceedings.

5. In Gian Singh v. State of Punjab and Another [(2012) 10

SCC 303], the Apex Court has held that in appropriate cases, the High Court can take note of the amicable resolution of disputes between the victim and the wrongdoer to put an end to the criminal proceedings. This view was reiterated in Narinder Singh and Others v. State of Punjab and Another [(2014) 6 SCC 466]

and Yogendra Yadav and Others v. State of Jharkhand and Another [(2014) 9 SCC 653].

6. I have perused Annexure-III affidavit filed by respondents 3

and 4. The learned Public Prosecutor has submitted that upon verification, it is understood that the affidavit is genuine, and the defacto complainant and the other deponent stand by the contents thereof. I am satisfied that the matter has been settled and no public interest is involved in this case. There is no impediment for granting the prayer for quashing. The continuance of the proceedings will only be an exercise in futility.

7. Accordingly, all proceedings against the petitioner in C.C.

No.539/2022 on the files of the Judicial Magistrate of First Class, Angamaly are quashed. This Crl.M.C is allowed as above. Sd/- BECHU KURIAN THOMAS JUDGE AJM/01/2/23 APPENDIX OF CRL.MC 8701/2022 PETITIONER ANNEXURES: Annexure1 CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.668/2022 OF ANGAMALLY POLICE STATION DATED 28-06-2022. Annexure2 CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.668/2022 OF ANGAMALLY POLICE STATION DATED 6-07-2022. Annexure3 ORIGINAL AFFIDAVIT DATED 14.11.2022 SWORN BY THE 3 AND 4 RESPONDENTS //TRUE COPY//

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