

Joise Mathew, vs State of Kerala,

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Court : Kerala

Decided On : Mar-15-2022

Judge : Honourable Mr. Justice K.Haripal

Appeal No. : Crl.MC/5/2022

Appellant : Joise Mathew,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE K.HARIPAL TUESDAY, THE 15TH DAY OF MARCH 2022 / 24TH PHALGUNA, 1943 CRL.MC NO. 5 OF 2022 [AGAINST CC NO. 710/2019 OF JUDICIAL MAGISTRATE OF FIRST CLASS-II, PALAKKAD WHICH AROSE FROM CRIME NO.113/2019 OF KONGAD POLICE STATION] PETITIONERS/ACCUSED NOS.1 TO 3: 1 JOISE MATHEW, 2 RENJITH, S/O. RADHAKRISHNAN, CHALIVKKAD HOUSE, VADAKKENTEKADU, VELIKKAD P.O, MUNDUR, PALAKKAD DISTRICT, PIN 628 592. 3 JAISON MATHEW, BY ADV NIREESH MATHEW RESPONDENTS/STATE/DE FACTO COMPLAINANT & OTHER INJURED: 1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM , PIN 682 031. 2 SHARATH, S/O.

PONNUMANI, KAPLIPPARA, MUNDUR, PALAKKAD DISTRICT, PIN 678 592. 3 SUJITH, AGED 29 YEARS S/O. KRISHNANKUTTY, AVUNGIL HOUSE, EZHAKKADU P.O, MUNDUR, PALAKKAD DISTRICT, PIN 678 592. BY ADV DEVAN N.R SR.PP - SRI. VIPIN NARAYANAN THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 15.03.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: :-2-:

ORDER

Petitioners are the accused in C.C.No.710/2019 on the file of the Judicial First Class Magistrate's Court-II, Palakkad. The case originated from the final report in Crime No.113/2019 of Kongad Police Station alleging offences under Sections 341,324,326 read with Section 34 of IPC. The allegation is that on 24.4.2019 at 1 p.m., the accused persons, in furtherance of their common intention to attack respondents 2 and 3, the first accused caused hurt to CW2/the third respondent with a wooden stump and caused grievous injury. When the second respondent had tried to resist the accused persons, he was wrongfully restrained and the third accused assaulted CW1 and inflicted injuries with a stone covered in a towel and caused him injuries. Now the petitioners seek to quash the proceedings on the ground that the matter is settled.

2. I heard the learned counsel for the petitioners and the learned Senior Public Prosecutor and also perused Annexures C :-3-: and D affidavits respectively.

3. Learned Senior Public Prosecutor has confirmed the

settlement. Respondents 2 and 3 do not want to pursue the proceedings further. Even though the third respondent has suffered grievous hurt, since the matter has been settled and both the injured persons do not want to continue the proceedings further, in absence of public interest, entire proceedings in C.C.No.710/2019 of the Judicial First Class Magistrate's Court-II, Palakkad are quashed and the petitioners shall stand exonerated. Crl.M.C. is allowed as above. sd/- K.HARIPAL, Judge MBS/ :-4-: APPENDIX OF CRL.MC 5/2022 PETITIONER ANNEXURES Annexure A A CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 113/2019 OF KONGAD POLICE STATION. Annexure B CERTIFIED COPY OF THE

MEMORANDUM OF EVIDENCE IN CRIME NO. 113/2019 OF KONGAD POLICE STATION. Annexure C THE ORIGINAL OF THE AFFIDAVIT SWORN TO BY THE RESPONDENT NO.2 BEFORE HIS Annexure D THE ORIGINAL OF THE AFFIDAVIT SWORN TO BY THE RESPONDENT NO. 3 BEFORE HIS

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