

Nikhil vs Manikandan

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Court : Kerala

Decided On : Mar-07-2022

Judge : Honourable Mr. Justice K.Haripal

Appeal No. : Crl.MC/41/2022

Appellant : Nikhil

Respondent : Manikandan

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE K.HARIPAL MONDAY, THE 7TH DAY OF MARCH 2022 / 16TH PHALGUNA, 1943 CRL.MC NO. 41 OF 2022 CRIME NO.1521/2021 OF PALAKKAD TOWN SOUTH POLICE STATION, PALAKKAD DISTRICT. PETITIONER/ACCUSED: NIKHIL AGED 32 YEARS S/O. RAJAN, CHALAKKAL KADIYATHPARA, KANNADI P.O., PALAKKAD. BY ADV V.A.JOHNSON (VARIKKAPPALLIL) RESPONDENTS/DEFACTO COMPLAINANT AND STATE: 1 MANIKANDAN AGED 39 YEARS S/O. SUBRAMANIAN, AYYAPPANKAVU, THARUVAKURISSY, KANNADI, PALAKKAD-678004. 2 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682031. BY

ADV UNNI SEBASTIAN KAPPEN SR.PP - SRI. HRITHWIK C.S. THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 07.03.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Petitioner is the sole accused in Crime No.1521/2021 of Palakkad Town South police station, registered on 01.08.2021 alleging offence under Sections 447 and 506 of the IPC, Section 3 read with Section 17 of the Kerala Money-Lenders Act, 1958 and Section 3 read with Section 9 of the Kerala Prohibition of Charging Exorbitant Interest Act, 2012. The crime was registered on the basis of the first information furnished by the first respondent. It is alleged that he had borrowed an amount of Rs.30,000/- from the petitioner, he repaid Rs.14,000/-; later a cheque for Rs.58,000/- was obtained from him forcibly; still he has been pestered demanding exorbitant interest for the amount and ultimately unable to bear the pressures he made attempt to commit suicide by consuming poison and the First Information Statement was recorded while he was undergoing treatment in the Medical College Hospital, Thrissur. The case is under investigation. Now the petitioner says that the case is settled with the first respondent and therefore, seeks to quash the proceedings under Section 482 of the Cr.P.C.

2. I heard the learned counsel for the petitioner, learned Senior Public Prosecutor and the learned counsel for the first respondent.

3. Learned Senior Public Prosecutor submits that further statement of the defacto complainant has been recorded and he does not want to pursue the proceedings.

4. Moreover, Annexure B affidavit of the first respondent

also indicates that he had settled the entire monitory disputes with the petitioner and that he does not want to pursue the proceedings and has no objection in quashing the proceedings.

5. In the light of the specific statement of the first

respondent/ defacto complainant, there is no purpose in continuing the proceedings. Further proceedings in Crime No.1521/2021 of Palakkad Town South police station are quashed. Crl.M.C is allowed as above. Sd/- K.HARIPAL JUDGE Jms/07.03 //True Copy// P.A to Judge APPENDIX OF CRL.MC 41/2022 PETITIONER ANNEXURES Annexure A CERTIFIED COPY OF THE F.I.R. IN CRIME

NO.1521/2021 OF PALAKKAD TOWN SOUTH POLICE STATION, PALAKKAD ALONG WITH THE F.I.STATEMENT DATED 1.8.2021. Annexure B AFFIDAVIT SWORN BY THE 1ST RESPONDENT HEREIN EVIDENCING THE AFORESAID FACTUM OF SETTLEMENT.

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