

Abhimanyu, vs State of Kerala,

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SooperKanoon Citation : sooperkanoon.com/1440423

Court : Kerala

Decided On : Feb-02-2022

Judge : Honourable Mr. Justice K.Haripal

Appeal No. : Crl.MC/82/2022

Appellant : Abhimanyu,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE K.HARIPAL WEDNESDAY, THE 2ND DAY OF FEBRUARY 2022 / 13TH MAGHA, 1943 (CRIME NO. 328 OF 2019 OF CHENGAMANAD POLICE STATION) AGAINST THE ORDER/JUDGMENT IN CC 521/2019 OF JUDICIAL MAGISTRATE OF FIRST CLASS -I, ALUVA PETITIONERS/ACCUSED NOS. 1 TO 3:

1 ABHIMANYU S/O. MADHU KUMAR, THETTEMAL HOUSE, AYIROOR P. O., KUNNUKARA VILLAGE, KUNNUKARA DESOM, PARAVUR TALUK, ERNAKULAM DISTRICT - 683579. 2 ANANDHU AGED 24 YEARS S/O. RAJESH, THETTEMAL HOUSE, AYIROOR P. O., KUNNUKARA VILLAGE, 3 BIBIN S/O. SHEKHARAN, CHERUKAD

HOUSE, AYIROOR P. O., KUNNUKARA VILLAGE, BY ADV
V.S.NEENESHKUMAR

RESPONDENTS/STATE & COMPLAINANT:

1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,
HON'BLE HIGH COURT OF KERALA AT ERNAKULAM, REP. BY
INSPECTOR OF POLICE CHENGAMANAD POLICE STATION,
ERNAKULAM DISTRICT - 683578. 2 SANIL AGED 27 YEARS S/O.
JALEEL, VATHIYEDATHU HOUSE, ALIKUNNU SOUTH ADUVASSERY
P. O., 3 DON VICTOR AGED 26 YEARS S/O. VICTOR EMMANUEL,
VIDAYATHIL HOUSE, SOUTH ADUVASSERY P. O., BY ADV
K.S.DHANESH KUMAR MT. SREEJA V.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
02.02.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Accused in C.C. No. 521 of 2019 pending before the Judicial First Class
Magistrate's Court-I, Aluva has moved this Court under Section 482 of
the Cr.P.C. seeking to quash the proceedings on the ground of
settlement reached with the de facto complainant and other injured, who
are respondents 2 and 3. The case was taken on file on the final report in
Crime No. 328 of 2019 of Chengamanad police station registered on
14.09.2019 alleging offence punishable under Sections 341, 323, 324
read with 34 of the IPC.

2. The crime was registered on the First Information Statement

furnished by the de facto complainant, the 2nd respondent. It is alleged
that on 13.04.2019 at 11 AM while CWs 1 and 2, that is respondents 2
and 3 respectively were moving on a motorcycle on Kuttiyal-Ayiroor road
from south to north, near Uzhamkadavu bridge, the accused persons

wrongfully restrained them and the 1 st petitioner slapped CW2 on his face. Then the 2nd petitioner also manhandled him. The 1st petitioner stamped CW1. When CW1 had tried to resist, he was also assaulted. The 3rd petitioner had hit CW1 with a stone and thus caused him grievous hurt. Even though the First Information Report contains

offence under Section 326 also, in the final report offences under Sections 341, 323 and 324 read with 34 of the IPC alone are incorporated.

3. The learned counsel for the petitioners submits that the case is settled. This has been endorsed by the learned Senior Public Prosecutor and also the learned counsel for respondents 2 and 3.

4. Moreover Annexure 3 and 4 affidavits of the party

respondents also indicate that the case is settled and both of them do not want to pursue the proceedings. Respondents 2 and 3 did not suffer any serious injury in the occurrence; no public interest is involved in the case.

5. In the circumstances, accepting the settlement reached

between the parties, entire proceedings in C.C. No. 521 of 2019 pending before the Judicial First Class Magistrate's Court-I, Aluva are quashed and the petitioners shall stand exonerated. The Criminal Miscellaneous Case is allowed as above.
Sd/- K. HARIPAL JUDGE

RMV/02/02/2022 APPENDIX OF CRL.MC 82/2022 PETITIONER ANNEXURES
Annexure 1 CERTIFIED COPY OF THE FIRST INFORMATION REPORT NO.328/2019 DATED 14.04.2019 OF CHENGAMANAD POLICE STATION.
Annexure 2 CERTIFIED COPY OF FINAL REPORT DATED 03.05.2019 SUBMITTED BY STATION HOUSE OFFICER, CHENGAMANAD POLICE STATION. Annexure 3 ORIGINAL OF AFFIDAVIT DATED 23.12.2021 SWORN BY THE SECOND RESPONDENT. Annexure 4 ORIGINAL OF AFFIDAVIT DATED 23.12.2021 SWORN BY THE THIRD RESPONDENT. TRUE COPY P.A.TO JUDGE