

Vineesh vs State of Kerala

Vineesh vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1441150

Court : Kerala

Decided On : Jun-22-2022

Judge : Honourable Mr.Justice Ziyad Rahman a.a.

Appeal No. : Crl.MC/154/2022

Appellant : Vineesh

Respondent : State of Kerala

Judgement :

Crl.M.C.No.154/22 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
WEDNESDAY, THE 22ND DAY OF JUNE 2022 / 1ST ASHADHA, 1944
CRL.MC NO. 154 OF 2022 PETITIONERS/ACCUSED NO.1 AND 2: 1
VINEESH, AGED 28 YEARS, 2 VINEETH, AGED 26 YEARS, BY ADV
AJITH KRISHNAN RESPONDENTS/STATE & COMPLAINANT: 1
STATE OF KERALA, REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031. 2
SASI, AGED 62 YEARS, S/O.PONNAN, GREENALAND, AAYIRUMTHAI
DESOM, KANCHAMPAZHANJI P. O., POOVAR VILLAGE,
NEYATTINKARA, THIRUVANANTHAPURAM - 695 525. BY ADV

S.MOHAMMED AL RAFI SRI.C.S HRITHWIK SR.PUBLIC
PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 22.06.2022, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING: CrI.M.C.No.154/22 2

ORDER

The petitioners are the accused in Crime No.1640/21 of Poovar Police Station, which was registered for the offences punishable under Sections 341, 294(b), 323, 324, 427 read with Section 34 IPC.

2. The prosecution case is that, on 22.07.2021 at 6.30 pm,

the petitioner wrongfully restrained the 2 nd respondent, abused him and assaulted him. Annexure-A is the FIR submitted by the police. This CrI.M.C. is filed for quashing all further proceedings pursuant to Annexure-A.

3. Heard Sri.Ajith Krishnan, learned counsel for the petitioners, Sri.C.S.Hrithwik, learned Public Prosecutor for the State and Sri.S.Mohammed Al Rafi, learned counsel for the 2nd

4. During the pendency of this CrI. M.C. mediation was

conducted between the parties, and as part of the same, the petitioners and the 2nd respondent appeared before the High Court Mediation Centre on 15.06.2022. During the course of mediation, the parties expressed their willingness to settle the matter, and a memorandum of settlement was also entered into between them. The mediator submitted a report along with the aforesaid

CrI.M.C.No.154/22 3 memorandum of settlement, wherein the 2 nd respondent had conveyed his no objection in quashing the prosecution against the petitioners herein, as he has no subsisting grievance. This indicates that Annexure B affidavit sworn by the 2 nd respondent was voluntarily, and the same can be acted upon for quashing the proceedings.

5. The allegations would reveal that the dispute is purely

private in nature. In such circumstances, by applying the principles laid down by the Honourable Supreme Court in Gian Singh v. State of Punjab and Another [(2012) 10 SCC 303], proceedings can be quashed by invoking the powers of this Court under Section 482 Cr.P.C. This is mainly because, on account of the settlement, no fruitful purpose would be served by allowing the prosecution to continue.

In the result, this Crl. M.C. is allowed, and Annexure-A FIR submitted in Crime No.1640 of 2021 of Poovar Police Station, and all further proceedings against the petitioners are hereby quashed. Sd/- ZIYAD RAHMAN A.A. JUDGE DG/23.6.22 Crl.M.C.No.154/22 4 APPENDIX OF CRL.MC 154/2022 PETITIONER ANNEXURES Annexure A CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.1640/2021 OF POOVAR POLICE STATION. Annexure B NOTARIZED AFFIDAVIT SWORN BY THE 2ND

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com