

Vineeth vs State of Kerala

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Court : Kerala

Decided On : Jun-22-2022

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

Appeal No. : Crl.MC/173/2022

Appellant : Vineeth

Respondent : State of Kerala

Judgement :

Crl.M.C.No.173/2022 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. 173 OF 2022 CRIME NO.1507/2021 OF Poovar Police
Station, Thiruvananthapuram PETITIONERS/ACCUSED NO.1 AND 2: 1
VINEETH, AGED 26 YEARS, S/O.VARGHESE, KALATHIL VEEDU,
KANCHAMPAZHANJI P.O., POOVAR VILLAGE, NEYYATTINKARA,
THIRUVANANTHAPURAM-695 525. 2 VINEESH, AGED 28 YEARS,
S/O.VARGHESE, KALATHIL VEEDU, KANCHAMPAZHANJI P.O.,
POOVAR VILLAGE, NEYYATTINKARA, THIRUVANANTHAPURAM-695
525. BY ADV AJITH KRISHNAN RESPONDENTS/STATE &

COMPLAINANT: 1 STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 031. 2 GOPI, AGED 61 YEARS, S/O.PONNAN, AAYIRUMTHAI VEEDU, KANCHAMPAZHANJI P.O., POOVAR VILLAGE, NEYYATTINKARA, THIRUVANANTHAPURAM-695 525. BY ADV S.MOHAMMED AL RAFI 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.173/2022 2

ORDER

The Petitioners are the accused in Crime No.1507 of 2021 of Poovar Police Station, which was registered for the offences punishable under Sections 452, 294(b), 323, 324, 427 read with Section 34 IPC. The aforesaid case is now pending as S.C.No.1659 of 2021 before the Sessions Court, Thiruvananthapuram.

2. The prosecution case is that on 10.08.2021 at 2.00 pm, the

2nd respondent was abused and assaulted by the petitioners. 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 respondent.

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 memorandum of settlement, wherein the 2 nd respondent CrI.M.C.No.173/2022 3 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 2nd 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.1507 of 2021 of Poovar Police Station, and all further proceedings in S.C.No.1659 of 2021 on the file of the Sessions

Court, Thiruvanthapuram, against the petitioners are hereby quashed. Sd/-
ZIYAD RAHMAN A.A. JUDGE DG/28.6.22 Crl.M.C.No.173/2022 4 APPENDIX OF
CRL.MC 173/2022 PETITIONER ANNEXURES Annexure A CERTIFIED COPY
OF THE FIRST INFORMATION REPORT IN CRIME NO.1507/2021 OF POOVAR
POLICE STATION Annexure B NOTARIZED AFFIDAVIT SWORN BY THE 2ND
RESPONDENT Crl.M.C.No.173/2022 5

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