

Sujeebu vs State of Kerala,

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Court : Kerala

Decided On : Aug-23-2022

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

Appeal No. : Crl.MC/353/2021

Appellant : Sujeebu

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
TUESDAY, THE 23RD DAY OF AUGUST 2022 / 1ST BHADRA, 1944
CRL.MC NO. 353 OF 2021 CRIME NO.1910/2020 OF PETTAH POLICE
STATION PETITIONER/S:

1 SUJEEBU, AGED 46 YEARS S/O.SUDAKARAN, PRESENTLY
RESIDING AT TC 31/468, Y M A ROAD, CHACKAI, PETTAH PO,
THIRUVANANTHAPURAM. 2 SAHAJA, AGED 48 YEARS D/O.
SAHADEVAN, PRESENTLY RESIDING AT TC 31/285, MUDUMBIL
VEEDU, AATTUVARAMBU, CHAKKA WARD, PETTAH POST,
THIRUVANANTHAPURAM. 3 SUJAPRIYA, AGED 39 YEARS D/O.

SURENDRAN, PRESENTLY RESIDING AT TC 31/468, Y M A ROAD, CHACKAI, PETTAH PO, THIRUVANANTHAPURAM. BY ADVS. N.KRISHNA PRASAD SHRI.B.S.SANKAR LAL

RESPONDENT/S: 1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682031. 2 SARAN AGED 30 YEARS S/O. PRADEEP KUMAR, PRESENTLY RESIDING AT TC WARD, PETTAH POST, THIRUVANANTHAPURAM. BY ADV YOGAMAYA M.G ADV. C. S. HRITHWIK - PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 23.08.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: :2 :

ORDER

Dated this the 23rd day of August, 2022 The petitioners are accused Nos.1 to 3 in crime No.1910/2020 of Pettah Police Station. The offences alleged against the petitioners are under Sections 420, 405, 406 read with Section 34 of the Indian Penal Code.

2. The allegation against the petitioners is that, on the

basis of a crime executed between the defacto complainant with the accused persons, they got executed a sale deed in respect of the property of the defacto complainant, without giving entire sale consideration. It is also alleged that the petitioners have created false documents to indicate the receipt of the payment from the defacto complainant. Annexure-A1 is the F.I.R. and and this CrI.M.C. is filed for quashing all further proceedings pursuant to Annexure-A1 F.I.R.

3. Heard Sri. N. Krishna Prasad, the learned counsel

appearing for the petitioners, Sri. C.S. Hrithwik, the learned :3 : Senior Public Prosecutor for the State and Smt. Yogamaya M.G., the learned counsel appearing for the 2 nd respondent.

4. The prayer for quashing the proceedings is sought

mainly on the ground that the dispute between the parties has been settled. Annexure-A2 affidavit sworn by the 2nd respondent is filed along with this CrI.M.C. to substantiate the settlement. In the said affidavit, the 2nd respondent had specifically acknowledged the aforesaid settlement and also conveyed the no-objection to quash the proceedings against the petitioners herein. The learned counsel appearing for the 2nd respondent also confirms the same. The learned Public Prosecutor, upon instructions, submitted that the Station House Officer concerned has verified the veracity of the same and found it to be genuine.

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 particularly because, on account of the settlement, no fruitful purpose would be served by :4 : allowing the prosecution to continue. In the result, this CrI.M.C. is allowed and Annexure-A1 F.I.R. submitted in crime No.1910/2020 of Pettah Police Station, against the petitioners are hereby quashed. Sd/- ZIYAD RAHMAN A.A. JUDGE ncd :5 : APPENDIX OF CRL.MC 353/2021 PETITIONER ANNEXURES ANNEXURE A1 CERTIFIED COPY OF THE FIRST

INFORMATION REPORT DATED 12.12.2020 IN CRIME NO.1910/2020 DATED 12.12.2020 REGISTERED WITH THE PETTAH POLICE STATION, THIRUVANANTHAPURAM. ANNEXURE A2 ORIGINAL OF THE AFFIDAVIT DATED 11.1.2021 SWORN TO BY THE 2ND RESPONDENT.

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