

Bency V.S. vs State of Kerala

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Court : Kerala

Decided On : Feb-24-2022

Judge : Honourable Mr. Justice K.Haripal

Appeal No. : Crl.MC/432/2022

Appellant : Bency V.S.

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE K.HARIPAL THURSDAY, THE 24TH DAY OF FEBRUARY 2022 / 5TH PHALGUNA, 1943 CRL.MC NO. 432 OF 2022 (CRIME NO.3/2022 OF MANNANCHERY POLICE STATION, ALAPPUZHA DISTRICT) PETITIONER/ACCUSED: BENCY V.S. AGED 49 YEARS S/O. SURENDRAN, VILLANNOOR, VAYALAR P.O., CHERTHALA, ALAPPUZHA DISTRICT 688 536. BY ADV R.UMASANKAR RESPONDENTS/STATE & COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM 682 031. 2 ATHIRA R. NAIR, AGED 31 YEARS W/O. SREENISH KUMAR, PALLIKKALCHIRA P.O., PAYIPPD, CHANGANACHERY, KOTTAYAM 686 537. 3

SREENISHKUMAR V.G. AGED 36 YEARS S/O. GOPALAPANICKER, OTTAPLACKAL, PAYIPPAD, CHANGANACHERY, KOTTAYAM 686 011. BY ADV S.GULZAR SR.PP - SMT.SREEJA V. THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.02.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Petitioner is the accused in Crime No.3/2022 of Mannanchery police station registered on 01.01.2022 alleging offence under Sections 279, 337 and 338 of the IPC. Defacto complainant is one Athira R.Nair, the 2nd respondent, wife of the injured. It is alleged that on 31.12.2021 at 02:45 p.m, at Kalavoor junction the accused had driven jeep bearing registration No.KL.01-CM-6578 owned by the Excise Department in a rash and negligent manner and when it was twisted towards right in a negligent manner with the intention of overtaking other vehicles, knocked down the scooter ridden by the 3 rd respondent which was stationary waiting for signal at the junction, and caused grievous hurt to the 3rd respondent; his two teeth were lost and also he sustained other injuries on different parts of his person. Thus the crime was registered alleging offences under Sections 279, 337 and 338 of the IPC. The case is under investigation. Now the petitioner, the accused submits that the matter is settled with respondents 2 and 3 and on the ground of settlement, entire proceedings are sought to be quashed.

2. I heard the learned counsel for the petitioner and the learned Senior Public Prosecutor, who also endorsed the settlement reached between the parties.

3. In support of the said settlement, Annexures -II and

II(a) affidavits of respondents 2 and 3 respectively and also a receipt proving payment of an amount of Rs.1,00,000/- as compensation towards full and final settlement to the 3 rd respondent have also been produced. In other words, in full and final settlement of the loss sustained, since the 3rd respondent had suffered grievous hurt in the occurrence, the petitioner has compensated him. In the circumstances, respondents 2 and 3 have condoned the acts of the petitioner. In the light of the same and in the absence of any public interest, entire proceedings

in Crime No.03/2022 of Mannanchery police station are quashed. CrI.M.C is allowed as above. Sd/- K.HARIPAL JUDGE Jms/24.02 //True Copy// P.A to Judge
APPENDIX OF CRL.MC 432/2022 PETITIONER ANNEXURES Annexure 1
CERTIFIED COPY OF THE F.I.R. IN CRIME NO. BEFORE THE JFMC -II,
ALAPPUZHA. Annexure 1 (A) CERTIFIED COPY OF THE F.I.S. IN CRIME NO.
BEFORE THE JFMC -II ALAPPUZHA. Annexure II AFFIDAVIT SWORN BY THE
2ND RESPONDENT/ DEFACTO COMPLAINANT DATED 05.01.2022. Annexure
II (A) AFFIDAVIT SWORN BY THE 3RD RESPONDENT INJURED DATED
05.01.2022. Annexure III ORIGINAL OF THE RECEIPT DATED 05.01.2022.

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