

Ananthu vs State of Kerala

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Court : Kerala

Decided On : Feb-22-2022

Judge : Honourable Mr. Justice K.Haripal

Appeal No. : Crl.MC/473/2022

Appellant : Ananthu

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE K.HARIPAL TUESDAY, THE 22ND DAY OF FEBRUARY 2022 / 3RD PHALGUNA, 1943 CRL.MC NO. 473 OF 2022 [CRIME NO.1213/2015 OF POOYAPPALLY POLICE STATION PENDING AS CC PETITIONERS/ACCUSED NOS.1 & 2: 1 ANANTHU AGED 28 YEARS S/O.DAYABJI, KARUKASSERI VEEDU, KARINGANNUR MURI, VELINALLOOR VILLAGE, KOLLAM DISTRICT - 691 510. 2 AROMAL AGED 27 YEARS S/O.JOSEKUMAR, KIZHAKKEDATHU BUNGLOW, KARINGANNUR MURI, VELINALLOOR VILLAGE, KOLLAM DISTRICT - 691 510. BY ADV ALEXANDER GEORGE RESPONDENTS/STATE/DE FACTO COMPLAINANT:

1 STATE OF KERALA REPRESENTED BY ITS DIRECTOR OF PUBLIC PROSECUTION, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031. 2 THE STATION HOUSE OFFICER POOYAPPALLY POLICE STATION, KOLLAM DISTRICT, PIN - 691 537. 3 APPUKUTTAN NAIR AGED 68 YEARS S/O.KRISHNAN NAIR, KARUKASSERI PUTHEN VEEDU, PUTHENVILA JN., KARINGANNUR MURI, VELINALLOOR VILLAGE -691 510. BY ADV ARCHANA JOHN BRITTO SR.PP - SRI. VIPIN NARAYANAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 22.02.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: :-2-:

ORDER

Petitioners are accused in C.C.No.525 of 2016 on the file

of the Judicial First Class Magistrate Court-II, Kottarakkara, the genesis of which is the final report in Crime No.1213/2015 of Pooyappally Police Station. The allegation against the accused is that on 15.8.2015 at 21.30 hours, the petitioners along with the third accused, who is a juvenile-in-conflict with law, trespassed upon the residence of CW1/the third respondent and abused him and assaulted with a dangerous weapon; first accused had hit on the right knee of CW1; then the second accused hit at his head with a wooden reaper; the third accused stamped him and due to the hit of a stick by the first accused on the right shoulder, he sustained grievous hurt. Offences under Sections 447,323,324,294(b) and 326 read with 34 IPC are alleged against the petitioners. It is submitted that the matter is settled with the third respondent and thus, the entire proceedings are sought to be quashed.

2. I heard the learned counsel for the petitioners and the :-3-: learned Senior Public Prosecutor, who has confirmed the settlement reached between the parties.

3. It is pointed out that there is a counter case, which has already been settled and the case against the third accused, who is a juvenile-in-conflict with law, has been filed before the Juvenile Justice Board.

4. Annexure 3 affidavit of the third respondent indicates

that the dispute between the parties has been settled and he has no grievance against the petitioners. He has no objection in quashing the entire proceedings. There is no public interest involved in the case.

4. In the above circumstance, entire proceedings in C.C.No.525/2016 on the file of the Judicial First Class Magistrate Court-II, Kottarakkara are quashed and the petitioners shall stand exonerated.

: -4-: Crl.M.C. is allowed. sd/- K.HARIPAL, Judge MBS/ : -5-: APPENDIX OF CRL.MC 473/2022 PETITIONERS' ANNEXURES Annexure I TRUE COPY OF THE FIR IN CRIME NO.1213/2015. Annexure 2 TRUE COPY OF THE CHARGE SHEET C.C.NO.525/2016 IN CRIME NO.1213/2015. Annexure 3 TRUE COPY OF THE AFFIDAVIT FILED BY THE THIRD RESPONDENT.

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