

Sumesh vs State of Kerala

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Court : Kerala

Decided On : Feb-28-2022

Judge : Honourable Mr. Justice K.Haripal

Appeal No. : Crl.MC/821/2022

Appellant : Sumesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE K.HARIPAL MONDAY,
THE 28TH DAY OF FEBRUARY 2022 / 9TH PHALGUNA, 1943 CRL.MC
NO. 821 OF 2022 C.C. 78/2021 OF THE CHIEF JUDICIAL
MAGISTRATE, PALAKKAD PETITIONER/ACCUSED: SUMESH AGED
43 YEARS SON OF RAMADAS, 8-217, ALAMPALLAM VILLAGE,
VADAVANNUR PANCHAYATH, KOLLENGODE PO BY ADV S.SUNIL
KUMAR (PALAKKAD) RESPONDENTS/STATE/DEFACTO
COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR HIGH COURT OF KERALA ERNAKULAM, PIN -
682031 2 SUBHASH N AGED 39 YEARS SON OF RAMADAS,
GANGAMRUTHAM, ALAMPALLAM VILLAGE, VADAVANNUR

PANCHAYATH, KOLLENGODE.PO BY ADV.B.JITHU OTHER
PRESENT: SR.PP - SRI. NOUSHAD K.A. THIS CRIMINAL MISC. CASE
HAVING COME UP FOR ADMISSION ON 28.02.2022, THE COURT ON
THE SAME DAY PASSED THE FOLLOWING: CrI.M.C.821/22 2

ORDER

Petitioner is the sole accused in C.C. 78/2021 on the file of the Chief Judicial Magistrate, Palakkad, which arose from the final report in crime

alleging offence under Sections 341, 323 and 326 of the IPC. The crime was registered on the first information statement given by Subhash, the 2nd respondent. On completion of investigation, the charge sheet was laid alleging the very same offence. The allegation is that, on 20.04.2021 at 12.30 hours the accused wrongfully restrained the 2nd respondent, beat him and also assaulted him with a chair having iron handle and due to the impact of the hit the 2nd respondent/defacto complainant suffered grievous hurt on the right knee cap and thus the crime was registered. Now the petitioner submits that the dispute is settled and therefore the entire proceedings are sought to be quashed under Section 482 of the Cr.P.C.

2. I heard the learned counsel for the petitioner and also the learned Senior Public Prosecutor.

3. The 2nd respondent/the defacto complainant has filed an affidavit stating that the matter is settled and that he does not want to pursue the CrI.M.C.821/22 3 proceedings.

4. The learned Senior Public Prosecutor has also confirmed the settlement.

5. In Annexure-B affidavit, the 2nd respondent, who is the injured,

has stated in clear terms that now he does not have grievance against the petitioner and has no objection in quashing the proceedings.

Moreover, it is evident that the petitioner and the 2nd respondent are brothers; the petitioner is the elder brother of the 2nd respondent, the injured. In the light of the settlement reached between the brothers and since no public interest is involved in the case, entire proceedings in C.C. 78/2021 on the file of the Chief Judicial Magistrate, Palakkad are quashed and the petitioner shall stand exonerated. The Crl.M.C. is allowed as above. Sd/- K.HARIPAL JUDGE okb/28.2.22 //True copy//
P.S. to Judge

Crl.M.C.821/22 4 APPENDIX OF CRL.MC 821/2022 PETITIONER ANNEXURES
Annexure A TRUE COPY OF THE FINAL REPORT IN CC NO-78/2021 FILED
BEFORE THE HONBLE CHIEF JUDICIAL MAGISTRATE COURT, PALAKKAD
Annexure B THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT DATED
20/07/2021, WHICH IS DULY ATTESTED BY THE NOTARY PUBLIC

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