SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Rajesh vs State of Kerala

Rajesh vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1503538

Court : Kerala Orders

Decided On : Apr-04-2022

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

Appeal No. : Crl.MC/4167/2021

Appellant : Rajesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A. MONDAY, THE 4TH DAY OF APRIL 2022 / 14TH CHAITHRA, 1944 CP 7/2021 OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE ,TRIVANDRUM PETITIONERS/ACCUSED NO.1&2: 1 RAJESH AGED 36 YEARS S/O. BABU, KOLLURTHOTTUVARAMBIL HOUSE, T.C.15/1032, KANNAMOOLA, THIRUVANANTHAPURAM - 695 033. 2 ARUN AGED 35 YEARS S/O. RAJAN, KOLLURPUTHENPALAM HOUSE, T.C.13/1311, KANNAMOOLA, THIRUVANANTHAPURAM - 695 033. BY ADV J.G.SYAMNATH RESPONDENTS/STATE, COMPLAINANT & VICTIM:

1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031. 2 THE SUB INSPECTOR OF POLICE, PETTAH POLICE STATION, THIRUVANANTHAPURAM - 695 024. 3 SUNIL KUMAR AGED 42 YEARS S/O. RAJU, T.C.13/8, KANNAMOOLA, THIRUVANANTHAPURAM - 695 033. 4 ANIKUTTAN AGED 40 YEARS S/O. MANIYAN, CRA-300, KANJIRAMVILA HOUSE, PATHIRAPALLY, KUDAPPANAKUNNU P. O., THIRUVANANTHAPURAM - 695 043. BY ADV SRI.R.RATHEESH ADV. RANJIT GEORGE - SR. PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON

04.04.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

The petitioners herein are the accused Nos.1 and 2 in Crime No.1926/2020 of Petta Police Station, Thiruvananthapuram. The offences alleged against the them are under Sections 294(b), 506, 323, 324, 308 and Section 34 of Indian Penal Code.

2. The aforesaid case was registered on the basis of the information submitted by the 3rd respondent herein.

3. The prosecution case is that, the petitioners have

assaulted the 3rd and 4th respondent herein with weapons and caused injuries on them. Annexure A1 is the First Information Report and Annexure A2 is the Final Report submitted. This Crl.M.C. is filed praying for quashing all the proceedings pursuant to Annexure A2.

4. Heard Sri.Syamnath J.G, learned counsel appearing for

the petitioners and Sri.Ranjit George, learned Public Prosecutor appearing for the State and Sri.R.Ratheesh, learned counsel appearing for the 3rd and 4th

respondents.

5. The prayer for quashing the proceedings are sought on

the basis of a settlement arrived at between the parties. To substantiate the aforesaid settlement Annexures A3 and Annexures A4 affidavits sworn by the 3rd and 4th respondents are produced.

6. The learned Public Prosecutor upon instructions submits that, the 1st accused is involved in several other criminal cases

containing serious offences. Similarly, the 2 nd accused is also involved in 4 other criminal cases as the 1st accused, wherein very serious offences including under Section 302 of Indian Penal Code is charged. It is true that going by the principles laid down by the hon'ble Supreme Court in Gian Singh v. State of Punjab [2012 (4) KLT 108] powers of this Court under Section 482 of Cr.P.C. can

be invoked on the basis of settlement between the parties. When the allegations raised in this case and the criminal antecedents of the petitioners herein are take into account, I am of the view that, it is not proper to invoke the said powers in favour of the petitioners

herein. There are several criminal cases pending against them which involves very serious offences including the one punishable under Section 302 of Indian Penal Code. Moreover, the reason for assault in this case is the refusal on the part of the defacto complainant to concede to the illegal demand of money made by the

petitioners herein by using threat. In such circumstances, the offences involved in this case cannot be treated as something private in nature. Considering the criminal antecedents as well as nature of allegations, it can only be treated as an offence against the public at large and hence, I am of the firm view that no interference is warranted in this case.

In such circumstances, I do not find any merit in this case and accordingly it is dismissed. Sd/- ZIYAD RAHMAN A.A. JUDGE scs APPENDIX OF CRL.MC 4167/2021 PETITIONER ANNEXURES Annexure A1 CERTIFIED COPY OF THE

FIR NO.1926/2020 OF PETTAH POLICE STATION. Annexure A2 CERTIFIED COPY OF THE FINAL REPORT IN C.P.7/2021 PENDING BEFORE ADDITIONAL CHIEF JUDICIAL MAGISTRATE'S COURT, THIRUVANANTHAPURAM. Annexure A3 TRUE COPY OF THE AFFIDAVIT EXECUTED BY THE 3RD RESPONDENT. Annexure A4 TRUE COPY OF THE AFFIDAVIT EXECUTED BY THE 4TH RESPONDENT.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com