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Pradeep, vs State of Kerala

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Court : Kerala

Decided On : Jan-29-2021

Judge : Honourable Mr.Justice V.G.Arun

Appeal No. : Crl.MC/267/2021

Appellant : Pradeep,

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.G.ARUN FRIDAY, THE 29TH DAY OF JANUARY 2021 / 9TH MAGHA, 1942 Crl.MC.No.267 OF 2021(C) AGAINST THE JUDGMENT IN CC 1403/2016 OF JUDICIAL MAGISTRATE OF FIRST CLASS - I, OTTAPPALAM CRIME NO.1104/2014 OF Ottapalam Police Station , Palakkad PETITIONER/ACCUSED: PRADEEP,AGED 50 YEARS S/O.PRABAKARAN, RENUKA SADHANAM, KAVALPADU P.O., PALAKADU TALUK, PALAKADU DISTRICT-678012. BY ADV. SRI.K.S.DHANESH KUMAR RESPONDENTS/COMPLAINANT:

1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR HON'BLE HIGH COURT OF KERALA AT ERNAKULAM REP. BY

INSPECTOR OF POLICE, OTTAPALAM POLICE STATION, PALAKKADU DISTRICT-679101. 2 SHIJO MATHEW, AGED 32 YEARS S/O.LATE P.V.MATHEW, PULIMOOTIL HOUSE, KUNNAMTHANAM P.O., KUNNATHANAM DESOM, KUNNAMTHANAMVILLAGE, MALLAPPALLY TALUK, PATHANAMTHITTA DISTRICT (CW2)-689585. 3 ANNAMMA MATHEW, AGED 59 YEARS W/O.LATE P.V.MATHEW, PULIMOOTTIL HOUSE, KUNNAMTHANAM P.O., KUNNATHANAM DESOM, KUNNAMTHANAM VILLAGE, MALLAPPALLY TALUK, PATHANAMTHITTA DISTRICT (CW3)-689585. R2-3 BY ADV. V.S.NEENESHKUMAR

OTHER PRESENT: SR.PP.C.S.HRITHWIK THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29.01.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Crl.MC.No.267 OF 2021(C) ..2..

ORDER

Dated this the 29th day of January 2021

Petitioner is the sole accused in Crime No.1104/2014 registered at the Ottappalam Police Station for offences punishable under Sections 420 of IPC, now pending as C.C.No.1403/2016 on the files of the Judicial First Class Magistrate Court, Ottappalam. The de facto complainant is stated to be no more. Respondents 2 and 3 are the wife and son of the deceased de facto complainant. Annexures-5 and 6 affidavits have been filed by the said respondents stating that the dispute, which was the reason for the incident and registration of the crime, has been resolved amicably and they have no subsisting grievance against the petitioner.

2. Heard the learned Public Prosecutor also, who, on instructions, submits that the petitioner has no Crl.MC.No.267 OF 2021(C) ..3.. criminal antecedents.

3. Having considered the gravity of the offences

alleged, nature of the injury caused and having perused the affidavits filed by respondents 2 and 3, the contents of which are submitted to be true and voluntary, I am satisfied that the dispute is settled and no public interest is involved in this matter. Moreover, in view of the settlement, possibility of the criminal proceedings ending in conviction is remote. As such, continuance of the proceedings will amount to an abuse of process of court and hence, in view of the legal position set out by the Honourable Supreme Court in Madan Mohan Abbot v. State of Punjab [(2008) 4 SCC 582] and Gian Singh v. State of Punjab and another [(2012) 10 SCC 303], there is no impediment in granting the relief sought.

Crl.MC.No.267 OF 2021(C) ..4.. In the result, this Crl.M.C is allowed. The proceedings in C.C.No.1403/2016 on the files of the Judicial First Class Magistrate Court, Ottappalam is quashed. Sd/- V.G.ARUN SB/29/01/2020 JUDGE Crl.MC.No.267 OF 2021(C) ..5..

APPENDIX PETITIONER'S/S EXHIBITS: ANNEXURE 1 TRUE COPY OF THE FIRST INFORMATION REPORT NO.1104/2014 DATED 22.10.2017 OF OTTAPALAM POLICE STATION. ANNEXURE 2 TRUE COPY OF THE FINAL REPORT SUBMITTED BY THE INSPECTOR OF POLICE OTTAPALAM POLICE STATION DATED 10.09.2016. ANNEXURE 3 TRUE COPY OF LETTER DATED 27.07.2014 ISSUED BY THE CW1 TO HON'BLE CHIEF MINISTER OF KERALA. ANNEXURE 4 TRUE COPY OF THE DEATH CERTIFICATE OF CW1 DATED 17.09.2018. ANNEXURE 5 ORIGINAL OF AFFIDAVITS DATED 12.01.2021 SWORN BY 2ND RESPONDENTS. ANNEXURE 6 ORIGINAL OF AFFIDAVITS DATED 12.01.2021 SWORN BY 3RD RESPONDENTS. //true copy// P.A to Judge

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