

Jayan vs State of Kerala

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Court : Kerala

Decided On : Apr-27-2021

Judge : Honourable Mr.Justice C.S.Dias

Appeal No. : Crl.MC/343/2021

Appellant : JAYAN

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.S.DIAS TUESDAY, THE 27TH DAY OF APRIL 2021 / 7TH VAISAKHA, 1943 Crl.MC.No.343 OF 2021(C) AGAINST THE ORDER/JUDGMENT IN CC 1564/2016 OF JUDICIAL MAGISTRATE OF FIRST CLASS -I, KOLLAM CRIME NO.1896/2015 OF Anchalummoodu Police Station , Kollam PETITIONERS:

- 1 JAYAN, AGED 40 YEARS, S/O. RAHULAN, CHAMBANCOTTA THEKKATHIL, NEAR GURUVAYOORAPPAN TEMPLE, PRAKKULAM CHERRY, THRIKKARUVA VILLAGE, KOLLAM DISTRICT PIN 691 602
- 2 NALINI, AGED 72 YEARS, W/O. RAHULAN, CHAMBANCOTTA THEKKATHIL, NEAR GURUVAYOORAPPAN TEMPLE, PRAKKULAM

CHEERRY, THRIKKARUVA VILLAGE, KOLLAM DISTRICT PIN 691 602
3 JAYA, AGED 44 YEARS, W/O. AYYAPPAN KUTTY, THANNIYIL
VEEDU, NEAR KANJAVELI JUNCTION, THEKKECHERRY,
THRIKKARUVA VILLAGE, KOLLAM DISTRICT, PIN 691 602 BY ADVS.
SRI.K.SIJU SMT.S.SEETHA

RESPONDENTS: 1 STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM 2 STATION HOUSE OFFICER, ANCHALUMMOODU POLICE STATION, KOLLAM DISTRICT, PIN 691 601 ..2.. 3 MANJU, AGED 34 YEARS, D/O. THE LATE GIRIJA, NADAKAVIL, SARAVANA NAGAR, ERAVIPURAM P.O, KOLLAM DISTRICT 691 011 R3 BY ADV. A.MUHAMMED RAFFI SRI.SANTHOSH PETER, PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 27.04.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: ..3..

C.S.DIAS, J.

===== Crl.M.C No. 343 of 2021
===== Dated this the 27th day of April, 2021

ORDER

This petition is filed under Section 482 of the Code of Criminal Procedure.

2. The petitioners are the accused Nos.1 to 3 in

Crime No.1896 of 2015 of the Anchalumoodu Police Station registered against them for offences punishable under Section 498A r/w sec.34 of the Indian Penal Code, 1860.

3. The prosecution allegation against the

petitioners is that, the petitioners mentally and physically harassed the defacto complainant - the 3 rd respondent demanding more money and gold ornaments from her. The police, after investigation, filed Annexure A3 final report. ..4..

4. Heard the learned counsel appearing for the petitioners, the learned Public Prosecutor appearing for the respondents 1 and 2 and the learned counsel appearing for the 3rd respondent. Perused the records.

5. The learned counsel for the petitioners submitted that with the intervention of well-wishers, the subject matter in dispute between the petitioners and the third respondent has been settled out of court. The

learned counsel appearing for the 3rd respondent submitted that the third respondent has filed Annexure 4 affidavit, inter-alia, stating that she has no subsisting grievance against the petitioners and is no longer desirous of pursuing the matter any further. The learned counsel vouched for the signature of the third respondent.

6. The learned Public Prosecutor, on instructions, reported that the investigating officer has ascertained the genuineness of the settlement and that the third ..5.. respondent has admitted her signature on Annexure A4 affidavit. The States has no serious objection in the petition being allowed.

7. The Honble Supreme Court in Gian Singh vs.

State of Punjab [2012 (10) SCC 303] and Prabatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others vs. State of Gujarat and another [(2017) 9 SCC 641] has held that in facts and circumstances of a case and to secure the ends of justice, where the High Court is satisfied that an amicable settlement has been arrived between the parties and the offence is not serious

in nature involving mental depravity, criminal proceedings may be quashed.

8. After considering the facts and circumstances

of the case and on being convinced that ends of justice would justify the exercise of the inherent power of this Court, particularly since the alleged offences are not serious in nature, no public interest is involved, the ..6.. chances of conviction is remote, the continuation of the proceeding would only be wastage of judicial time and the settlement would augur harmony, I am satisfied that the petition is to be

allowed. In the result, this Criminal M.C is allowed. Annexure A3 -final report and all further proceedings in C.C No.1564 of 2016 of the Judicial First Class Magistrate Court 1, Kollam, as against the petitioners, are quashed.

Sd/- C.S.DIAS JUDGE PR ..7.. APPENDIX PETITIONERS EXHIBITS:
ANNEXURE 1 THE CERTIFIED COPY OF CMP NO. STATION, KOLLAM.
ANNEXURE 2 THE CERTIFIED COPY OF FIR IN CRIME NO. STATION,
KOLLAM ANNEXURE 3 CERTIFIED COPY OF FINAL REPORT IN CRIME NO.
1896/2015 OF ANCHALUMMOODU POLICE STATION, KOLLAM DISTRICT.
ANNEXURE 4 TRUE COPY OF AFFIDAVIT SWORN BY THE 3RD
RESPONDENT/DE-FACTO COMPLAINANT REGARDING COMPROMISE
DATED 10-01-2021

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