

Nelse N Dev. vs State of Kerala

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Court : Kerala

Decided On : Mar-31-2021

Judge : Honourable Mrs. Justice Shircy V.

Appeal No. : Crl.MC/785/2021

Appellant : Nelse N Dev.

Respondent : State of Kerala

Judgement :

Crl.MC.No.785 OF 2021(G) 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SHIRCY V.
WEDNESDAY, THE 31ST DAY OF MARCH 2021 / 10TH CHAITHRA,
1943 Crl.MC.No.785 OF 2021(G) AGAINST THE ORDER/JUDGMENT
IN CC 1798/2020 OF JUDICIAL MAGISTRATE OF FIRST CLASS -II,
CHERTHALA CRIME NO.205/2020 OF Muhamma Police Station ,
Alappuzha PETITIONERS/ACCUSED NOS.1 TO 4 1 NELS N DEV.
AGED 22 YEARS S/O.NARAYANA DEV, KAUSTHUBHAM,
MUTTATHIPARAMBU 2 NARAYANA DEV AGED 52 YEARS
S/O.PADMANABHAN, KAUSTHUBHAM, MUTTATHIPARAMBU P.O.,
CHERTHALA, ALAPPUZHA, PIN - 688 527. 3 KUMARI AGED 46

YEARS W/O.NARAYANAN DEV, KAUSTHUBHAM,
MUTTATHIPPARAMBU 4 SNEHA N.DEV AGED 19 YEARS
D/O.NARAYANAN DEV, KAUSTHUBHAM, MUTTATHIPPARAMBU BY
ADV. SRI.P.SHANES METHAR
RESPONDENTS/COMPLAINANTS/DEFACTO COMPLAINANTS AND
INJUED 1 STATE OF KERALA REP. BY PUBLIC PROSECUTOR, HIGH
COURT OF KERALA, ERNAKULAM. 2 THRESSIAMMA JACOB AGED
49 YEARS W/O.JACOB, ARAIKATHARA HOUSE, WARD 15,
THANEERMUKKAM, MUTTATHIPARAMBU P.O., CHERTHALA. 3
SHERI CHRISTEENA JACOB CrI.MC.No.785 OF 2021(G) 2 AGED 21
YEARS D/O.JOB, ARAIKATHARA HOUSE, WARD 15,
THANEERMUKKAM, MUTTATHIPARAMBU P.O., CHERTHALA. 4
JACOB @ TOMI AGED 56 YEARS S/O.VARGHESE, ARAIKATHARA
HOUSE, WARD 15, THANEERMUKKAM, MUTTATHIPARAMBU P.O.,
CHERTHALA. 5 JERIN.J.JACOB AGED 23 YEARS S/O.JOB,
ARAIKATHARA HOUSE, WARD 15, THANEERMUKKAM,
MUTTATHIPARAMBU P.O., CHERTHALA. R2-5 BY ADV. B.PRAMOD

OTHER PRESENT: C.N.PRABHAKARAN- SR.P.P THIS CRIMINAL MISC. CASE
HAVING COME UP FOR ADMISSION ON 31.03.2021, THE COURT ON THE
SAME DAY PASSED THE FOLLOWING: CrI.MC.No.785 OF 2021(G) 3

ORDER

Petition under Section 482 of the Code of Criminal Procedure.

2. The petitioners are accused Nos.2 to 5 in Crime No.205

of 2020 of Muhamma Police Station registered for the offences punishable under
Sections 294(b), 324, 341, 323, 324 read with Section 34 of Indian Penal Code,
now pending as C.C. No.1798 of 2020 on the file of the Court of Judicial First
Class Magistrate-II, Cherthala .

3. Heard both sides and perused the records.

4. The learned counsel for the petitioners submitted that

the case has been instituted by the defacto complainants on some misunderstanding with the petitioners and now the parties have resolved the entire dispute among themselves and as such there is no subsisting dispute between them. Therefore, this petition to quash the Annexure 1 charge sheet and the proceedings in C.C.No.1798 of 2020.

5. Learned counsel appearing for respondents 2 to 5 also submitted that they have absolutely no grievance or complaints against the petitioners. Annexures II to V are the affidavits sworn to

Crl.MC.No.785 OF 2021(G) 4 by them in support of the submission of the petitioners. The affidavits further indicate that they have no intention to pursue the matter further.

6. The learned Public Prosecutor has reported that the prosecution has no serious objection in allowing the petition, as prayed for.

7. The nature and gravity of the offences alleged are not

serious and now as the dispute has been amicably settled, the possibility of conviction is remote and bleak and therefore, no useful purpose would be served in proceeding with the case. Considering the special facts and circumstances involved

in this case, I find that no fruitful purpose is likely to be served by proceeding with the matter against the petitioners. Moreover, no public interest is involved in the case and there is no legal impediment in granting the prayer as sought for by the petitioners. Therefore, to subserve the ends of justice, this Crl.M.C. is only to be allowed.

For the foregoing reasons, Annexure 1 charge sheet and the proceedings in C.C. No.1798 of 2020 on the file of the Judicial First Class Magistrate Court-II, Cherthala , arising from Crime No.205 of 2020 of Muhamma Police Station will stand quashed as prayed for. Sd/- SHIRCY V. smm JUDGE Crl.MC.No.785 OF 2021(G) 5 APPENDIX PETITIONER'S/S EXHIBITS:

ANNEXURE I

A TRUE COPY OF THE CHARGE SHEET. ANNEXURE II

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