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Shibu vs State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1621335

Court : Kerala

Decided On : Jul-30-2021

Judge : Honourable Mrs. Justice Shircy V.

Appeal No. : Crl.MC/1752/2021

Appellant : SHIBU

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SHIRCY V. FRIDAY, THE 30TH DAY OF JULY 2021 / 8TH SRAVANA, 1943 CRL.MC NO. 1752 OF 2021 CC 571/2016 OF JUDICIAL MAGISTRATE OF FIRST CLASS -II,NEDUMANGAD, THIRUVANANTHAPURAM FIR NO. 672 OF 2014 OF PANGODE POLICE STATION PETITIONER/ACCUSED: SHIBU, AGED 44 YEARS S/O VISWAMITHRAN,V.S.MANDIRAM,X/298, CHANDAYILKADU,MUTHUVILA.P.O, KALLARA VILLAGE, THIRUVANANTHAPURAM-695610. BY ADV C.S.SUMESH RESPONDENTS/STATE & DEFACTO COMPLAINANT:

1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM-682031. 2 BIJI, AGE 39, D/O

INDIRA,KRISHNA BHAVAN, THOONGAYIL,MITHIRMALA.P.O, VAMANAPURAM VILLAGE, THIRUVANANTHAPURAM-695610. BY ADV G.HARIPRASAD OTHER PRESENT: AJITH MURALI- P.P THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30.07.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

DATED THIS THE 30TH DAY OF JULY, 2021 Petition under Section 482 of the Code of Criminal Procedure.

2. The petitioner is the sole accused in FIR

No. 672 of 2014 of Pangode Police Station registered for the offence punishable under Section 498A of Indian Penal Code, now pending as C.C. No. 571 of 2016 on the file of the Judicial First Class Magistrate Court-II, Nedumangad.

3. Heard both sides and perused the records.

4. It is submitted by the learned counsel

for the petitioner that the parties have resolved the entire dispute among themselves and there is no subsisting dispute between them. Therefore, this petition to quash the final report.

5. Learned counsel appearing for the 2 nd

respondent/defacto complainant has submitted that she has absolutely no grievance or complaint against the petitioner. Annexure D, the affidavit sworn to by her, indicates that she has 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.

7. As the dispute has been amicably settled, the possibility of conviction is remote and bleak.

8. Therefore, 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 petitioner. Moreover, no public interest is involved in the case and there is no legal impediment in granting the prayer as sought for by the petitioner. Therefore, for the purpose of securing the ends of justice, this Crl.M.C. is only to be allowed. For the foregoing reasons, Annexure A final report in FIR No. 672 of 2014 of Pangode Police Station now pending as C.C. No. 571 of 2016 on the file of the Judicial First Class Magistrate Court-II, Nedumangad, will stand quashed as prayed for.

Sd/- SHIRCY V. JUDGE sb APPENDIX OF CRL.MC 1752/2021 PETITIONER ANNEXURE ANNEXURE A CERTIFIED COPY OF THE FINAL REPORT DATED POLICE STATION. ANNEXURE B CERTIFIED COPY OFCOMPROMISE PETITION DATED RESPONDENT IN M.C.NO.117/2014 BEFORE THE JFCM-I,NEDUMANGAD ANNEXURE C CERTIFIED COPY OF THE ORDER DATED 04/01/2017 PASSED IN MC.N0.117/2014 BY THE JFCM- I,NEDUMANGAD.

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