

Sonu vs State of Kerala

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Court : Kerala

Decided On : Dec-31-2021

Judge : Honourable Mr.Justice Mohammed Nias C.P.

Appeal No. : Crl.MC/4379/2021

Appellant : SONU

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P. FRIDAY,
THE 31ST DAY OF DECEMBER 2021 / 10TH POUSHA, 1943 AGAINST THE
ORDER/JUDGMENT IN CC 3515/2017 OF JUDICIAL MAGISTRATE OF FIRST
CLASS -II, KOLLAM PETITIONERS/ACCUSED :-

1 SONU AGED 28 YEARS S/O. SOMAN PILLAI, RESIDING AT
KALAYIL PADINJATATHIL, KUTTIKKADA, KUTTIKADA P.O
MAYYANAD VILLAGE, KOLLAM, PINCODE-691 020. (A1) 2 SUBIN
KUMAR AGED 33 YEARS S/O. SOMAN PILLAI, RESIDING AT
KALAYIL PANDINJATATHIL, KUTTIKKADA, KUTTIKADA P.O.,
MAYYANAD VILLAGE, KOLLAM, PINCODE-691 020 (A2). 3 VISHAKH

AGED 29 YEARS S/O. ANILKUMAR, RESIDING AT ANILALAYAM VETTEL, KUTTIKKADA, KUTTIKADA P.O., MAYYANAD VILLAGE, KOLLAM, PIN CODE-691 020 (A3). 4 AJITH AGED 28 YEARS S/O. GIRESHAN, RESIDING AT MUKKADAYIL VEEDU, MAYYANADU THEKKUMKARA CHERYIL, KUTTIKKADA, KUTTIKADA P.O., MAYYANAD VILLAGE, KOLLAM, PINCODE-691 020. (A4) BY ADV B.DIPU SACH DEEV

RESPONDENTS :- 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR,

HIGH COURT OF KERALA, ERNAKULAM, PINCODE-682 031. 2 THE SUB INSPECTOR OF POLICE, ERAVIPURAM POLICE STATION, KOLLAM CITY, KOLLAM, PINCODE-691 011. 3 SANDHYA KUMARI.R AGED 34 YEARS W/O. SURESHBABU, RESIDENT OF RESIDING AT THOOLIKA, KUTTIKKADA, KUTTIKADA P.O., MAYYANAD VILLAGE, KOLLAM, PINCODE-691 020. BY ADV ARUN BABU SRI.ARAVIND, PP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31.12.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

The petitioners are accused in Crime No.2078/2017 of Eravipuram Police Station, which is now pending as C.C.No.3515 of 2017 on the files of Judicial First Class Magistrate-II, Kollam and the offences alleged against the petitioners are under Sections 143, 147, 294(b), 341, 427, 354 and 509 r/w Section 149 of the Indian Penal Code.

2. The allegation is that on 05.09.2017, the defacto

complainant returned from the venue after the accused got into trouble during the onam celebrations, was stopped on the way and outraged the modesty of the defacto complainant and thereby committed the aforesaid offences.

3. Heard the learned counsel for the petitioners, the learned Public Prosecutor as well as the learned counsel for the third respondent.

4. It is submitted by respective counsel that the

petitioners and the third respondent have arrived at an amicable settlement and Annexure A2 is the affidavit filed. The affidavit, inter alia, states that all the disputes are settled and that the pendency of criminal proceeding would cause hardship to all the parties.

5. From the submission across the Bar and perusing

the criminal M.C. and the affidavit referred above, I am satisfied that there has been an amicable settlement and that there is no vitiating circumstances in the respondent filing the affidavit. No purpose will be served by continuing the proceedings in the above circumstances.

6. In view of the judgment of the Hon'ble Supreme Court in *Gian Singh v. State of Punjab* and another [2012

(10) SCC 303] and considering the facts and circumstances of

the case and in exercise of power of this Court under Section 482 of the Code of Criminal Procedure, I hereby quash Annexure A1 Final Report and all further proceedings in Crime No.2078/2017 of Eravipuram Police Station, which is now pending as C.C.No.3515 of 2017 on the files of Judicial First Class Magistrate-II, Kollam against petitioners 1 to 4. The CrI.MC is allowed as above. Sd/-
MOHAMMED NIAS C.P. JUDGE SMA APPENDIX PETITIONER ANNEXURES :-
Annexure A1 CERTIFIED COY OF THE CHARGE SHEET/FINAL REPORT DATED IN C.C.NO.3515/2017 DATED ON 7.11.2017. Annexure A2 ORIGINAL AFFIDAVIT OF 3RD RESPONDENT DATED 23.2.2021.

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