

Biju, vs State of Kerala,

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Court : Kerala Orders

Decided On : Jan-31-2020

Judge : Honourable Mr. Justice P.B.Suresh Kumar

Appeal No. : CrI.MC/923/2020

Appellant : BIJU,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR FRIDAY,
THE 31ST DAY OF JANUARY 2020 / 11TH MAGHA, 1941 CrI.MC.No.923 OF
2020(E) CRIME NO.842/2009 OF KUNDARA POLICE STATION, KOLLAM
PETITIONERS/ACCUSED NOS.1 TO 5:

1 BIJU, AGED 41 YEARS S/O. MARTIN, KALLUVETTAMKUZHI
HOUSE, KANJIRAKODE CHERRY, MULAVANA, KOLLAM DISTRICT. 2
NELSON S/O. SAFARNOSE, AGED 50 YEARS, THALATHIL VILA
HOUSE, PERAYAM CHERIYIL, MULAVANAM KOLLAM DISTRICT. 3
GRACIOUS @ JOY, S/O.SIYOS, AGED 47 YEARS KURISUKUZHI
NEDU VEETIL, PERAYAM CHERIYIL, MULAVANAM KOLLAM

DISTRICT.

4 RAJESH S/O. VARGHESE, AGED 33 YEARS, KUZHUVILA HOUSE, KANJIRAKODE, PERAYAM CHERIYIL, MULAVANAM KOLLAM DISTRICT. 5 WILLINTON S/O. GRILLARIOUS, AGED 63 YEARS, LAILAVI BHAVAN, PERAYAM CHERIYIL, MULAVANAM KOLLAM DISTRICT. BY ADV. SRI.M.L.SURESH KUMAR RESPONDENTS/STATE/DEFACTO COMPLAINANT: 1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, COCHIN-31. 2 MARYKUTTY, AGED 62 YEARS, D/O. KATHREENA FERNANDEZ, RESIDING AT KUZHIVILA HOUSE, KANJIRAKODE, MULAVANA, KOLLAM DISTRICT, PIN-691503. R2 BY ADV. SRI. RANJITH BABU THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31.01.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -----

ORDER

This is a proceedings under Section 482 of the Code of Criminal Procedure for quashing Annexure - A Final Report pending trial before the Judicial First Class Magistrate Court - I, Kollam.

2. The petitioners are the accused in the said case. The case was one registered under Sections 143, 147, 148, 506(II), 294(b), 447 and 427 read with Section 149 of the Indian Penal Code.

3. It is seen that the petitioners and the de facto complainant of the crime have amicably settled the disputes. An affidavit sworn to by the de facto complainant is part of the records.

4. Heard the learned counsel for the petitioners, the learned Public Prosecutor as also the learned counsel for the de facto complainant.

5. Though the matter is settled between the

parties, I have examined the accusation in the case and found that this is a matter that could be settled and closed in the light of the decision of the Apex Court in

Gian singh v. State of Punjab, (2012) 10 SCC 303, invoking the jurisdiction under Section 482 of the Code of Criminal Procedure. In the result, the Crl.M.C. is allowed and Annexure - A Final Report pending trial before the Judicial First Class Magistrate Court - I, Kollam and all further proceedings thereto are quashed. Sd/- P.B.SURESH KUMAR, JUDGE. DK APPENDIX PETITIONERS' EXHIBITS: ANNEXURE A THE COPY OF THE FINAL REPORT IN CRIME NO.842/2009 OF KUNDARA POLICE STATION. ANNEXURE B THE TRUE COPY OF THE AFFIDAVIT FILED BY THE 2ND RESPONDENT IN THE CASE EVIDENCING SETTLEMENT OF THE DISPUTE BETWEEN THE PETITIONERS AND THE 2ND RESPONDENT. RESPONDENTS' EXHIBITS: NIL //TRUE COPY// PA TO JUDGE DK

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