

Niranjana 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. : Crl.MC/463/2018

Appellant : Niranjana

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
Crl.MC.No.463 OF 2018 PROCEEDINGS IN CMP NO.1348/2013 NOW
PENDING BEFORE JUDICIAL FIRST CLASS MAGISTRATE COURT,
SASTHAMKOTTA PETITIONERS/RESPONDENTS 7 AND 4/7TH AND
4TH ACCUSED: 1 NIRANJANA AGED 40 YEARS, W/O.VINOD
SHANKER, SIVAPRIYA VEEDU, T.C.NO.14/624(1), KUMARAPURAM
MURI, ULLOOR VILLAGE, THIRUVANANTHAPURAM. 2
VISWANATHAN AGED 67, CHETTIMAATHIL HOUSE, EARAVIPURAM
P.O., KOLLAM. BY ADVS. SRI.R.SUNIL KUMAR SMT.A.SALINILAL
RESPONDENTS/PETITIONER AND COMPLAINANT: 1 STATE OF

KERALA REP BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM 2 SARASWATHY AGED 59 YEARS, THIRUVAMPADI VEEDU, KURATHIKKAD MURI, VARANEKKAL P.O., FROM INDIRA BHAVAN, PADINJATTE KIZHAKKE MURI, SOORNADU NORTH VILLAGE. R2 BY ADV. SRI.S.ANIL (PADINJAREKOTA) THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 31.01.2020, ALONG WITH CrI.MC.937/2020(F), THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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.937 OF 2020(F) PROCEEDINGS IN CMP.NO.1348/2013 WHICH IS NOW PENDING AS C.C.NO.641/14 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, SASTHAMCOTTA, KOLLAM DIST PETITIONERS/ACCUSED 1,2,3,5,6 & 8: 1 VINOD SANKAR AGED 39 YEARS S/O.KARUNAKARAN, SIVAPRIYA VEEDU, T.C.NO.14/624(1), KUMARAPURAM MURI, ULLOOR VILLAGE, THIRUVANANTHAPURAM. 2 REGHU AGED 56 YEARS CHETTYMADATHIL VEEDU, ERAVIPURAM, ERAVIPURAM VILLAGE. 3 VINOD AGED 34 YEARS PLAVILLATHIL VEEDU, PADINJATTUM, KIZHAKKU MURI SOORNADU. 4 GOPALAN AGED 63 YEARS PLAVILLATHIL VEEDU, PADINJATTUM, KIZHAKKU MURI SOORNADU.

5 ANUSHA AGED 23 YEARS D/O.REGHU, CHETTYMADATHIL VEEDU, ERAVIPURAM. 6 KANAKAMMA AGED 63 YEARS W/O.VISWANANTHAN, CHETTYMADATHIL VEEDU, ERAVIPURAM. BY ADVS. SRI.R.SUNIL KUMAR SMT.A.SALINI LAL RESPONDENTS/DE-FACTO COMPLAINANT: 1 STATE OF KERALA, REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. 2 SARASWATHY, AGED 55 YEARS, D/O.NANIKUTTY, INDIRA BHAVANAM, PADINJATTUM KIZHAKKUM MURI,

SOORANADU, KUNNATHOOR. THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31.01.2020, ALONG WITH Crl.MC.463/2018, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

These are proceedings under Section 482 of the Code of Criminal Procedure. Among these matters, Crl.M.C.No.463 of 2018 is instituted by accused 4 and 7 and Crl.M.C.No.937 of 2020 is instituted by the remaining accused in Annexure - 5 complaint in Crl.M.C.No.463 of 2018, seeking orders quashing the said complaint and all further proceedings thereto. The parties and documents are referred to in this order, as they appear in Crl.M.C.No.463 of 2018.

2. The second respondent is the complainant in the

case. The second respondent earlier preferred a complaint to the police, on the basis of which a crime was registered as Crime No. 21 of 2012 by Sooranadu Police Station for offences punishable under Sections 342 and 307 read with Section 34 of the Indian Penal Code. After investigation, the police, however, referred the matter. Annexure - 5 is the protest complaint instituted thereafter by the de facto complainant.

3. When these matters were taken up, the learned

counsel for the petitioners submitted that the dispute has been amicably settled between the parties during the pendency of the Crl.M.Cs. before this court and the matters can be closed accordingly. The learned counsel has also brought to my notice the affidavit filed by the complainant to that effect in the proceedings. In the affidavit, the complainant has stated that she has no objection in quashing the proceedings as against the accused in the case.

4. Heard the learned counsel for the petitioners, the learned Public Prosecutor as also the learned counsel for the second respondent.

complaint in CrI.M.C.No.463 of 2018 and the order in C.M.P.No.1348 of 2013 on the files of the Judicial Magistrate of the First Class, Sasthamcotta and all further proceedings thereto are quashed. Sd/- P.B.SURESH KUMAR, JUDGE. DK
APPENDIX OF CrI.MC 463/2018 PETITIONERS' EXHIBITS: ANNEXURE 1 COPY OF THE FIR IN CRIME NUMBER 21/2012 OF SOORANADU POLICE STATION.

//TRUE COPY// PA TO JUDGE DK APPENDIX OF CrI.M.C 937/2020
PETITIONERS' EXHIBITS: ANNEXURE 1 COPY OF THE ORDER IN
C.M.P.NO.1348/2013. ANNEXURE 2 COPY OF THE AFFIDAVIT FILED IN
CRL.M.C.NO.463/18. RESPONDENTS' EXHIBITS: NIL //TRUE COPY// PA TO
JUDGE DK

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