

Johnson Robert vs X

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Court : Kerala

Decided On : Jun-30-2020

Judge : Honourable Mrs. Justice Shircy V.

Appeal No. : CrI.MC/2889/2020

Appellant : Johnson Robert

Respondent : X

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SHIRCY V. TUESDAY, THE 30TH DAY OF JUNE 2020 / 9TH ASHADHA, 1942 CrI.MC.No.2889 OF 2020(A) CRIME NO.312/2017 OF Thiruvalla Police Station , Pathanamthitta PETITIONER/ACCUSED: JOHNSON ROBERT AGED 38 YEARS S/O. ROBERT, JOJO VILLAG, PERINGALA P. O., ULUNTHY, MAVELIKKARA, ALAPPUZHA DISTRICT. BY ADV. SRI.SREEJITH S.NAIR RESPONDENTS/DEFACTO COMPLAINANT & STATE: 1 X X 2 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031. OTHER PRESENT: PP HRITWIK CS THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30.06.2020, THE COURT ON

THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 30th day of June 2020 Petition under Section 482 of the Code of Criminal Procedure.

2. The petitioner is the accused in Crime No. 312 of 2017 of Thiruvalla Police Station, Pathanamthitta registered for the offences punishable under Sections 376 of Indian Penal Code.

3. It is submitted by the learned counsel for the petitioner that due to the intervention of the mediators and relatives, the parties have resolved their entire dispute among themselves and as such there is no subsisting dispute between them. Therefore, this petition to quash Annexure A3 FIR.

4. Learned counsel appearing for the 1st respondent has submitted that the 1st respondent has absolutely no grievance or complaints against the petitioner. Annexure A4 is the affidavit sworn to by her in support of the submission of the petitioner. The affidavit further indicates that she has no intention to pursue the matter against the petitioner.

5. The learned Public Prosecutor has reported that the

prosecution has no serious objection in proceeding with the case.

6. On hearing the submissions of all concerned, and

on perusal of the records as well on

with the matter against this 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, this Crl.M.C. is allowed and Annexure A3 FIR in Crime No. 312 of 2017 of Thiruvalla Police Station,

Pathanamthitta will stand quashed as prayed for.

Sd/- SHIRCY V. JUDGE sb APPENDIX PETITIONER'S/S EXHIBITS: ANNEXURE A1 A COPY OF THE FIR IN CRIME NO.2426 OF 2016 ANNEXURE A2 A COPY OF THE FI STATEMENT OF THE 1ST RESPONDENT IN FIR IN CRIME NO.2426 OF 2016 ANNEXURE A3 A COPY OF THE FIR IN CRIME NO.312 OF 2017 OF THE THIRUVALLA POLICE STATION. ANNEXURE A4 NOTARIZED COPY OF THE AFFIDAVIT SWEARED IN BY THE 1ST RESPONDENT.

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