

Dhanesh vs State of Kerala,

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SooperKanoon Citation : sooperkanoon.com/1810401

Court : Kerala

Decided On : Nov-09-2020

Judge : Honourable Mr. Justice P.Somarajan

Appeal No. : CrI.MC/5462/2019

Appellant : Dhanesh

Respondent : State of Kerala,

Judgement :

CrI.M.C.Nos.5462 & 5438/2019 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.SOMARAJAN
MONDAY, THE 09TH DAY OF NOVEMBER 2020 / 18TH KARTHIKA,
1942 CrI.MC.No.5462 OF 2019(C) LP 126/2014 (C.C.No.9/2014) OF
CHIEF JUDICIAL MAGISTRATE, KOLLAM CRIME NO.2348/2013 OF
KOLLAM EAST POLICE STATION, KOLLAM PETITIONER/ACCUSED:
DHANESH, AGED 36 YEARS, S/o MOHANAN, PALLIKKAL
KIZHAKKATHIL VEEDU, JANAKEEYA NAGAR-8, EAST OF
ULIYAKOVIL TEMPLE, ULIYAKOVIL CHERRY, KOLLAM EAST
VILLAGE, KOLLAM DISTRICT-691001. BY ADVS.SRI.K.SIJU

SMT.S.SEETHA RESPONDENTS/STATE & DEFACTO
COMPLAINANT: 1 STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-31.
2 THE STATION HOUSE OFFICER, KOLLAM EAST POLICE STATION,
KOLLAM-691001. 3 SHINU, AGED 36 YEARS, S/o SHANMUGHAN,
'SHINE NIVAS', KARUVELIL WARD, PAVITHRESWARAM VILLAGE,
KOLLAM DISTRICT-691507. R3 BY ADV. A.MUHAMMED RAFFI BY
PUBLIC PROSECUTOR SRI. RAMESH CHAND THIS CRIMINAL MISC.
CASE HAVING BEEN FINALLY HEARD ON 09.11.2020 ALONG WITH
CrI.MC.5438/2019(H). THE COURT ON THE SAME DAY PASSED THE
FOLLOWING: CrI.M.C.Nos.5462 & 5438 of 2019 2

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.SOMARAJAN MONDAY, THE
09TH DAY OF NOVEMBER 2020 / 18TH KARTHIKA, 1942 CrI.MC.No.5438 OF
2019(H) CC No.3073/2014 OF JUDICIAL MAGISTRATE OF FIRST CLASS -II,
KOLLAM CRIME NO.2007/2013 OF ERAVIPURAM POLICE STATION, KOLLAM
PETITIONER/ACCUSED: DHANESH, AGED 36 YEARS, S/o MOHANAN,
PALLIKKAL KIZHAKKATHIL VEEDU, JANAKEEYA NAGAR-8, EAST OF
ULIYAKOVIL TEMPLE, ULIYAKOVIL CHERRY, KOLLAM EAST VILLAGE,
KOLLAM DISTRICT- 691001. BY ADVS.SRI.K.SIJU SMT.S.SEETHA
RESPONDENTS/STATE & DEFACTO COMPLAINANT: 1 STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM- 31. 2 THE STATION HOUSE OFFICER, ERAVIPURAM POLICE
STATION, KOLLAM- 691011. 3 SHINU, AGED 36 YEARS, S/o SHANMUGHAN,
SHINE NIVAS, KARUVELIL WARD, PAVITHRESWARAM VILLAGE, KOLLAM
DISTRICT- 691507. R3 BY ADV. A.MUHAMMED RAFFI BY PUBLIC
PROSECUTOR SRI. RAMESH CHAND. THIS CRIMINAL MISC. CASE HAVING
BEEN FINALLY HEARD ON 09.11.2020 ALONG WITH CrI.MC.5462/2019(C).
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:
CrI.M.C.Nos.5462 & 5438 of 2019 3

ORDER

The offences alleged are under Sections 457 and 381 IPC alleging the commission of theft of article in possession of servant during the course of discharge of official function. The defacto complainant filed an affidavit by which the matter was settled between the parties. If it is proceeded further, it will not serve any purpose. As such, for the ends of justice, both the CrI.M.Cs are allowed by quashing the entire proceedings initiated against the accused. Both the CrI.M.C.s are allowed accordingly. Sd/- P.SOMARAJAN JUDGE DMR/- CrI.M.C.Nos.5462 & 5438/2019 4 APPENDIX OF CrI.MC 5462/2019 PETITIONER'S ANNEXURES: ANNEXURE 1 THE CERTIFIED COPY OF FIR IN CRIME NO.2348/2013 OF KOLLAM EAST POLICE STATION. ANNEXURE 2 THE CERTIFIED COPY OF FINAL REPORT IN CRIME NO.2348/2013 OF KOLLAM EAST POLICE STATION. ANNEXURE 3 THE AFFIDAVIT SWORN BY THE 3RD RESPONDENT REGARDING SETTLEMENT DATED 28.6.2019. RESPONDENTS' ANNEXURE: NIL // TRUE COPY // P.A. TO JUDGE CrI.M.C.Nos.5462 & 5438/2019 5 APPENDIX OF CrI.MC 5438/2019 PETITIONER'S ANNEXURES: ANNEXURE 1 THE CERTIFIED COPY OF FIR IN CRIME NO.2007/2013 OF ERAVIPURAM POLICE STATION. ANNEXURE 2 THE CERTIFIED COPY OF FINAL REPORT IN CRIME NO.2007/2013 OF ERAVIPURAM POLICE STATION. ANNEXURE 3 THE AFFIDAVIT SWORN BY THE 3RD RESPONDENT REGARDING SETTLEMENT DATED 28.06.2019. RESPONDENTS' ANNEXURE: NIL // TRUE COPY // P.A. TO JUDGE