

Franklin vs State of Kerala

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Court : Kerala

Decided On : Jan-07-2020

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Crl.MC/5827/2019

Appellant : Franklin

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON
TUESDAY, THE 07TH DAY OF JANUARY 2020 / 17TH POUSHA, 1941
Crl.MC.No.5827 OF 2019(G) AGAINST THE ORDER/JUDGMENT IN
CC 436/2005 OF JUDICIAL MAGISTRATE OF FIRST CLASS -II,
TRIVANDRUM CRIME NO.145/2005 OF Poonthura Police Station,
Thiruvananthapuram PETITIONER/2ND ACCUSED: FRANKLIN, AGED
42 YEARS, S/O. CHARLS, T.C. 69/1960, JOSE HOUSE, POONTHURA,
MUTTATHARA VILLAGE, THIRUVANANTHAPURAM. BY ADV.
SRI.LATHEESH SEBASTIAN RESPONDENTS/STATE, COMPLAINANT
& VICTIMS: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031. 2

STATION HOUSE OFFICER, POONTHURA POLICE STATION, THIRUVANANTHAPURAM DISTRICT - 695 026. 3 MYTHEEN, AGED 42 YEARS, S/O. AHAMMED KANNU, 4 SAKEER, AGED 41 YEARS, S/O. AHAMMED KANNU, R1-R2 BY SRI. C.S.HRITHWIK, SR.PP R3-R4 BY ADV. R.ARUN OTHER PRESENT: THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 07.01.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 7th day of January 2020 The petitioner is the 2nd accused in Crime No.145/2005 of Poonthura Police Station, for having

allegedly committed the offences punishable under Sections 323 and 324 read with Section 34 of I.P.C. The defacto complainant-injured are respondents 3 and 4 herein, who have appeared through a Counsel and have filed affidavits at Annexures A2 and A3 stating that the matter has been amicably settled and they have no existing grievance, whatsoever, against the

petitioner. It is submitted by the petitioner that the co-accused were already acquitted in the parent case, ie., C.C.No.436/2005, but the judgment has not

been produced. The case against the petitioner is now

dispute has been compounded and settled between the petitioner and the injured, nothing survives. A report has been filed by the investigating officer through the Senior Public Prosecutor to that effect. The petitioner does not have any criminal antecedents and no public interest is involved.

In the result, the CrI.M.C. is allowed and the entire proceedings in Crime No.145/2005 of Poonthura Police Station, now pending against the petitioner as L.P.No.31/2010 on the file of the Judicial First Class Magistrate Court-II, Thiruvananthapuram, stands quashed under Section 482 of Cr.P.C. and the petitioner is discharged. Sd/- dkr ASHOK MENON JUDGE APPENDIX PETITIONER'S/S EXHIBITS:

ANNEXURE A1

COPY OF THE FINAL REPORT IN CRIME

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