

Vijayakumar vs State of Kerala

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Court : Kerala

Decided On : Nov-23-2020

Judge : Honourable Mr.Justice V.G.Arun

Appeal No. : Crl.MC/5062/2020

Appellant : Vijayakumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.G.ARUN MONDAY,
THE 23RD DAY OF NOVEMBER 2020 / 2ND AGRAHAYANA, 1942
Crl.MC.No.5062 OF 2020(C) CRIME NO.1819/2020 OF Punalur Police
Station , Kollam PETITIONERS: 1 VIJAYAKUMAR AGED 49 YEARS
S/O.CHANDRASHEKHARAN PILLAI, MOHANALAYAM, 2
LATHAKUMARI AGED 46 YEARS W/O.VIJAYAKUMAR,
MOHANALAYAM, P.B.JUNCTION, VILAKUDY 3 MADHAV VIJAYAN
AGED 16 YEARS S/O.VIJAYAKUMAR, MOHANALAYAM,
P.B.JUNCTION, VILAKUDY (REPRESENTED BY HIS FATHER, THE
1ST PETITIONER). 4 VINAYAK VIJAYAN AGED 21 YEARS
S/O.VIJAYAKUMAR, MOHANALAYAM, P.B.JUNCTION, VILAKUDY BY

ADV. SRI.AKHIL K.MADHAV RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM -682 031. 2 SUB INSPECTOR OF POLICE PUNALUR POLICE STATION, KOLLAM DISTRICT, PUNALUR P.O., PIN - 691 305. 3 VASANTHAKUMARI W/O.NARENDRANATHAN, AGED 49 YEARS, NANDU NIVAS, CrI.M.C.5062/2020 2 4 NANDHU S/O.VASANTHAKUMARI, AGED 18 YEARS, NANDU NIVAS, 5 NITHIN S/O.VASANTHAKUMARI, AGED 26 YEARS, NANDU NIVAS, R3-5 BY ADV. SUBHASH CYRIAC THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 23.11.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CrI.M.C.5062/2020 3

V.G.ARUN, J.

===== CrI.M.C.No.5062 of 2020
===== Dated this the 23rd day of
November, 2020

ORDER

Petitioners are the accused in Crime No.1819 of 2020 registered at the Punalur Police Station for offences punishable under Sections 294(b), 323, 324, 506 and 34 of IPC. The de facto complainant, at whose instance the crime was registered, is the 3rd respondent and respondents 4 and 5 are the injured. Annexure A2 affidavit has been filed by the 3 rd respondent, Annexure A3 by the 4th respondent and Annexure A4 by the 5th respondent, stating that the dispute is resolved and that they have no subsisting grievance against the petitioners.

2. Heard the learned Public Prosecutor also, who, on instructions, submits that the petitioners have no criminal antecedents.

3. Having considered the gravity of the offences alleged,

nature of the injury caused and having perused the affidavit filed by respondents 3, 4 and 5, the contents of which are submitted to be true and voluntary, I am satisfied that the dispute is settled and that no public interest is involved in this matter. CrI.M.C.5062/2020 4 Moreover, in view of the settlement, possibility of the criminal

proceedings ending in conviction is remote. As such, continuance of the proceedings will amount to an abuse of process of court and hence, in view of the legal position set out by the Honourable Supreme Court in Madan Mohan Abbot v. State of Punjab [(2008) 4 SCC 582] and Gian Singh v. State of Punjab and another [(2012) 10 SCC 303], there is no impediment in granting the relief sought.

4. In the result, this CrI.M.C is allowed. The proceedings in

Crime No.1819 of 2020 registered at the Punalur Police Station is quashed. Sd/- V.G.ARUN JUDGE Igk CrI.M.C.5062/2020 5 APPENDIX OF CrI.MC 5062/2020 PETITIONER'S/S EXHIBITS: ANNEXURE A1 CERTIFIED COPY OF FIR & FIS IN CRIME NO.1819/2020 OF PUNALUR POLICE STATION BEFORE THE JFCM-III, PUNALUR. ANNEXURE A2 AFFIDAVIT DATED 30/10/2020 SIGNED BY THE 3RD RESPONDENT. ANNEXURE A3 AFFIDAVIT DATED 30/10/2020 SIGNED BY THE 4TH RESPONDENT. ANNEXURE A4 AFFIDAVIT DATED 30/10/2020 SIGNED BY THE 5TH RESPONDENT.

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