

Sabin Eappen, vs Varkey George,

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Court : Kerala

Decided On : Jan-06-2020

Judge : Honourable Mr. Justice P.B.Suresh Kumar

Appeal No. : CrI.MC/9255/2019

Appellant : Sabin Eappen,

Respondent : Varkey George,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR MONDAY,
THE 06TH DAY OF JANUARY 2020 / 16TH POUSHA, 1941 CrI.MC.No.9255 OF
2019(F) AGAINST THE ORDER IN CC NO.590/2015 OF JUDICIAL
MAGISTRATE OF FIRST CLASS -II, KANJIRAPPALLY CRIME NO.831/2015 OF
PONKUNNAM POLICE STATION, KOTTAYAM PETITIONERS/ACCUSED 1 TO
11:

1 SABIN EAPPEN, AGED 33 YEARS, S/O.EAPPACHAN ANTONY,
VEZHAMBASSERIL, KOORALI, ELAMGULAM P.O., KOTTAYAM. 2
K.N.MOHANAN, AGED 55 YEARS, S/O.NARAYANAN, KARIVATTU,
VANCHIMALA P.O., ELIKKULAM, KOTTAYAM. 3 BIBIN JOSE, AGED

32 YEARS, S/O.V.C.JOSE, VEZHAMBASSERIL HOUSE, THAMPALAKADU P.O., KANJIRAPPALLY, KOTTAYAM. 4 BENNY CHACKO, AGED 50 YEARS, S/O.CHACKO, VEZHAMBASSERIL (H), VANCHIMALA P.O., ELAMGULAM VILLAGE, ELIKKULAM, KOTTAYAM. 5 JINS JOSE, AGED 32 YEARS, S/O.ANNAMMA JOSEPH, 6 V.C.BABY, AGED 57 YEARS, S/O.CHACKO, VEZHAMBASSERIL (H), VANCHIMALA P.O., ELAMGULAM VILLAGE, ELIKKULAM, KOTTAYAM. 7 EPPACHAN ANTONY, AGED 57 YEARS, S/O.ANTONY, VEZHAMBASSERIL, KOORALI, ELAMGULAM P.O., KOTTAYAM. 8 BABU MATHEW, AGED 62 YEARS, S/O.THOMAS MATHEW, KOCHUPARAMBIL, KOPRAKALAM, NARIANANI P.O., KANJIRAPPALLY.

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9 JAISON T.JOSE, AGED 36 YEARS, S/O.JOSEPH, THANNICKAL, CHENGALAM P.O., ELAMGULAM, KOTTAYAM. 10 THOMAS V.T., AGED 60 YEARS, S/O.THOMAS, VEZHAMBASSERIL, KOORALI P.O., ELAMGULAM, KOTTAYAM. 11 JOE ANTONY, AGED 48 YEARS, S/O.ANTONY CHACKO, VEZHAMBASSERIL, PANAMATTAM, KURALLY P.O., ELAMGULAM, KOTTAYAM. BY ADV. SRI.I.DINESH MENON

RESPONDENTS/COMPLAINANT:

1 VARKEY GEORGE, AGED 59 YEARS, S/O.VARKEY, CHERIPURATH HOUSE, KOORALI P.O., ELANKULAM, KOTTAYAM - 696 522. 2 GRACYKUTTY, AGED 57 YEARS, W/O.VARKEY GEORGE, CHERIPURATH HOUSE, KOORALI P.O., ELAMKULAM, KOTTAYAM - 686 522. 3 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031, THROUGH SUB INSPECTOR OF POLICE, PONKUNNAM POLICE STATION, KOTTAYAM DISTRICT - 686 506. R1-2 BY ADV. L.RAJESH

NARAYAN SRI.AMJED ALI PP THIS CRIMINAL MISC. CASE HAVING
BEEN FINALLY HEARD ON

06.01.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:
Crl.M.C. No.9255 of 2019 3 Crl.M.C. No.9255 of 2019

ORDER

This is a proceedings instituted under Section 482 of the Code of Criminal Procedure for quashing Annexure A2 final report and all further proceedings pursuant thereto now pending as C.C.No.590 of 2015 on the files of the Court of the Judicial Magistrate of First Class - II, Kanjirappally against the petitioners.

2. The petitioners are accused Nos.1 to 11 in the said case. The case is one instituted at the instance of respondents 1 and 2 under Sections 143, 144, 147, 149, 323, 341, 451, 506(i) of the Indian Penal Code.

3. It is seen that the petitioners and respondents 1

and 2 have settled their disputes, and affidavits to that effect have been filed by respondents 1 and 2 as Annexure A3 series to the effect that they do not intend to pursue the matter further.

4. The learned counsel for respondents 1 and 2 affirms that Annexure A3 series affidavits are affidavits sworn Crl.M.C. No.9255 of 2019 4 to by respondents 1 and 2, and submits that they have no objection in granting the relief sought for by the petitioners.

5. In the light of the decisions of the Apex Court in

Gian singh v. State of Punjab, (2012) 10 SCC 303 and Narinder singh v. State of Punjab, (2014) 6 SCC 466, I am of the view that this is an appropriate case where this court has to invoke the jurisdiction under Section 482 of the Code to quash the proceedings against the petitioners. In the result, the Crl.M.C. is allowed, Annexure A2 final report and all further proceedings pursuant thereto against the

petitioners, pending as C.C.No.590 of 2015 on the files of the Court of the Judicial Magistrate of First Class - II, Kanjirappally are quashed. Sd/- P.B.SURESH KUMAR, JUDGE. YKB CrI.M.C. No.9255 of 2019 5 APPENDIX PETITIONER'S/S EXHIBITS:

ANNEXURE A1

TRUE COPY OF THE FIR NO.830/2015 DATED

RESPONDENT'S/S EXHIBITS: NIL //TRUE COPY// PA TO JUDGE

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