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Sajith.K vs State of Kerala,

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SooperKanoon Citation : sooperkanoon.com/1870619

Court : Kerala

Decided On : Feb-28-2019

Judge : Honourable Mr. Justice B.Sudheendra Kumar

Appeal No. : Crl.MC/1431/2019

Appellant : Sajith.K

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR THURSDAY ,THE 28TH DAY OF FEBRUARY 2019 / 9TH PHALGUNA, 1940 AGAINST THE ORDER/JUDGMENT IN CC 1336/2016 of JUDICIAL MAGISTRATE OF FIRST CLASS -II,HOSDRUG CRIME NO. 498/2016 OF Bekal Police Station , Kasargod PETITIONERS: 1 SAJITH.K AGED 24 YEARS S/O KUNHIRAMAN K, NOOMBIL HOUSE, BEVOORI UDUMA PADINJAAR, KASARAGOD DISTRICT-671 315. 2 NISHIL N.B, AGED 25 YEARS S/O BASKARAN, BEVOORI HOUSE, UDUMA PADINJAAR, KASARAGOD DISTRICT 671 315. BY ADVS. SRI.RAHUL SASI SMT.NEETHU PREM RESPONDENTS: 1 STATE OF KERALA, REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM 682 031. 2 ANOOP.V.V, S/O DHAYANANDAN,

VALLIVAYAL HOUSE, UDUMA P.O.KALANAD VILLAGE, KASARAGOD DIST 671 315. BY ADV. SRI.NIRMAL V NAIR SMT.V.SREEJA, PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 28.02.2019, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -2-

ORDER

The petitioners are accused in C.C.No.1336/2016 on the files of the court below. The offences alleged are punishable under Sections 341, 323, 324 and 294(b) read with Section 34 IPC.

2. The 2nd respondent is the injured, who filed

affidavit stating that the matter has been settled and hence he has no further grievance against the petitioners. The learned Public Prosecutor, on instructions, has submitted that the matter has been settled by the parties.

3. Having heard the learned counsel for the 2nd

respondent, I am satisfied that the 2 nd respondent filed the affidavit voluntarily. It appears that the offences alleged in this case are personal in nature, having no public interest. In the said circumstances, since the matter has -3- been settled, I am inclined to quash the final report and further proceedings against the petitioners in the above said case in exercise of the inherent power under Section 482 Cr.P.C. to meet the ends of justice. It is ordered accordingly. In the result, this Crl.M.C. stands allowed. Sd/- B.SUDHEENDRA KUMAR JUDGE Nkr/28.02.2019 -4- APPENDIX PETITIONERS' EXHIBITS: ANNEXURE A1 A TRUE COPY OF THE FINAL REPORT IN CRIME NO 498 OF 2016 OF BEKAL POLICE STATION ANNEXURE A2 A TRUE COPY OF THE AFFIDAVIT SUBMITTED BY THE 2ND RESPONDENT DATED 14.1.2019 RESPONDENTS' EXHIBITS: NIL //True Copy// P.A. to Judge

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