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Cleny vs State of Kerala,

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SooperKanoon Citation : sooperkanoon.com/1874149

Court : Kerala

Decided On : Apr-30-2019

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Crl.MC/1582/2019

Appellant : CLENY

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON TUESDAY, THE 30TH DAY OF APRIL 2019 / 10TH VAISAKHA, 1941 Crl.MC.No. 1582 of 2019 AGAINST THE ORDER/JUDGMENT IN SC 977/2018 of ASSISTANT SESSIONS COURT,KOCHI CRIME NO. 1389/2017 OF Narakkal Police Station , Ernakulam PETITIONERS/ACCUSED 1, 2, 4 & 6:

1 CLENY, AGED 44 YEARS S/O.JOSEPH, THAIPARAMBIL HOUSE, MALIPPURAM, 2 NANDU, AGED 23 YEARS S/O.BABU, MANNAR HOUSE, MALIPPURAM, ELAMKUNNAPPUZHA, ERNAKULAM DISTRICT. 3 JOSI, AGED 46 YEARS S/O.GEORGE, CHULLICKAL HOSE, MALIPPURAM, 4 GODWIN, AGED 20 YEARS S/O.CLENY,

THAIPARAMBIL HOUSE, MALIPPURAM, BY ADV. SRI.M.X.ANTONY LIJO

RESPONDENTS/STATE & DEFACTO COMPLAINANT: 1 STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682031. 2 AKHI @ AKHIL, AGED 22 YEARS, S/O.SATHEESAN, PARUTHIYEZHATH HOUSE, ELAMKUNNAPPUZHA VILLAGE, MALIPPURAM, ERNAKULAM DISTRICT-682 511. BY ADV. SRI.JENIN JOSEPH FOR R2 OTHER PRESENT: SMT. K K SHEEBA, PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30.04.2019, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -2-

ORDER

Petitioners are accused Nos.1, 2, 4 and 6 in Crime No.1389/2017 of Njarakkal Police Station for having allegedly committed offence punishable under Sections 141, 144, 147, 148, 341, 323, 326, 308, 506(ii) and 149 of the Indian Penal Code, which has been taken cognizance of as SC No.977/2018 on the file of Assistant Sessions Court, Kochi.

2. There are two injured. They have also given statements

before the investigating officer as submitted by the learned Public Prosecutor. It is submitted that the matter has been settled between the parties and that the defacto complainant, has no objection in letting off the petitioners. The second respondent/defacto

complainant is represented by counsel. He has also given statement before the investigating officer, as submitted by the learned Public Prosecutor. The petitioners do not have any criminal antecedence and therefore, I find that there is no harm in accepting the prayer of the petitioners to quash the proceedings in SC No.977/2018 on the file of Assistant Sessions Court, Kochi.

-3- In the result, this Crl.MC is allowed and the entire proceedings in SC No.977/2018 on the file of Assistant Sessions Court, Kochi would stand quashed, under Section 482 of the Cr.PC.

Sd/- ASHOK MENON JUDGE jg -4- APPENDIX PETITIONER'S/S EXHIBITS: ANNEXURE A1 TRUE COPY OF FIR IN CRIME NO.1389/2017 OF NJARAKKAL POLICE STATION, ERNAKULAM DISTRICT. ANNEXURE A2 TRUE COPY OF CHARGE SHEET IN S.C.NO.977/2018 OF ASSISTANT SESSIONS COURT, KOCHI. ANNEXURE A3 AFFIDAVIT DATED 15.2.2019 SWORN BY THE 2ND RESPONDENT. ANNEXURE A4 AFFIDAVIT DATED 4.4.2019 SWORN BY CW-1. ANNEXURE-A5 AFFIDAVIT DATED 4.4.2019 SWORN BY CW-3. //TRUE COPY//

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