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Sonu vs State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1874154

Court : Kerala

Decided On : Apr-30-2019

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Crl.MC/1570/2019

Appellant : SONU

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. 1570 of 2019 CRIME NO. 1389/2017 OF Narakkal Police Station , Ernakulam PETITIONERS/ACCUSED 3 & 5: 1 SONU, AGED 18 YEARS S/O.JOSY, CHULLICKAL HOUSE, MALIPPURAM, 2 GODSON, AGED 18 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.3 and 5 in Crime No.1389/2017 of Njarakkal Police Station for having allegedly committed offence punishable under Sections 141, 144, 147, 148, 341, 323, 324, 326, 308, 506(ii) and 149 of the Indian Penal Code, which is pending against the petitioners before the Juvenile Justice Board, Ernakulam.

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 entire proceedings as against them in Crime No.1389/2017 of Njarakkal Police Station.

-3- In the result, this Crl.MC is allowed and the entire proceedings as against the petitioners in Crime No.1389/2017 of Njarakkal Police Station 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 CRIME NO.1389/2017 OF NJARAKKAL POLICE STATION, ERNAKULAM DISTRICT. 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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