

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE SHIRCY V.

TUESDAY, THE 30TH DAY OF JUNE 2020 / 9TH ASHADHA, 1942

Cr1.MC.No.2387 OF 2020(G)

AGAINST THE ORDER/JUDGMENT IN CC 2029/2016 OF JUDICIAL
MAGISTRATE OF FIRST CLASS -III, NEYYATTINKARA

CRIME NO.461/2016 OF Vellarada Police Station ,
Thiruvananthapuram

PETITIONER/ACCUSED:

VINEETH
AGED 30 YEARS
S/O. MURUKAN, VINEETH BHAVAN,
MANATHOTTAM VELLARADA VILLAGE,
VEDLLARADAA DESOM, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.R.GOPAN

RESPONDENTS/DEFACTO COMPLAINANT & STATE:

1 STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031.

2 NITHIN
AGED 29 YEARS
S/O. SUNDARESAN NAIR, NITHIN NIVAS,
CHUNDIKKAL, VELLARADA VILLAGE, VELLARADA DESOM,
THIRUVANANTHAPURAM - 695 505.

R2 BY ADV. SHAJIN S.HAMEED

OTHER PRESENT:

PP SREEJA V

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
30.06.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 30th day of June 2020

Petition under Section 482 of the Code of Criminal Procedure.

2. The petitioner is the accused in Crime No.461 of 2016 of Vellarada Police Station registered for the offences punishable under Sections 294(b), 341 and 324 of Indian Penal Code.

3. It is submitted by the learned counsel for the petitioner that due to the intervention of well wishers, the parties have resolved the entire disputes among themselves and as such there is no subsisting dispute between them. Therefore, this petition to quash Annexure A final report in C.C. No. 2029 of 2016 of the Judicial First Class Magistrate Court-III, Neyyattinkara.

4. Learned counsel appearing for the 2nd respondent has submitted that he has absolutely no grievance or complaints against the petitioner. Annexure B is the affidavit sworn to by him in support of the submission of the petitioner. The affidavit further indicates he has no intention to pursue the matter.

5. The learned Public Prosecutor has reported that the prosecution has no serious objection in allowing the petition. It is also submitted that as the dispute has been amicably

settled, the possibility of conviction is remote and bleak and therefore, no useful purpose would be served by keeping the proceedings alive.

6. On hearing the submissions of all concerned, and on perusal of the records as well on consideration of the special facts and circumstances involved in this case, I find that no fruitful purpose is likely to be served by proceeding with the matter against this petitioner. Moreover, no public interest is involved in the case and there is no legal impediment in granting the prayer as sought for by the petitioner. Therefore, for the purpose of securing the ends of justice, this Crl.M.C. is only to be allowed.

For the foregoing reasons, this Crl. M.C. is allowed and Annexure A final report in C.C. No. 2029 of 2016 on the file of the Judicial First Class Magistrate Court-III, Neyyattinkara will stand quashed as prayed for.

Sd/-

SHIRCY V.

JUDGE

sb

APPENDIX

PETITIONER'S/S EXHIBITS:

ANNEXURE A

CERTIFIED COPY OF FINAL REPORT IN FIR
NO.461/2016 SUBMITTED BEFORE THE JUDICIAL
FIRST CLASS MAGISTRATE COURT-III,
NEYYATTINKARA.

ANNEXURE B

ATTESTED COPY F THE AFFIDAVIT SWORN BY THE
2ND RESPONDENT SIGNED BEFORE THE NOTARY
PUBLIC DATED 13.3.2020.