

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

TUESDAY, THE 12<sup>TH</sup> DAY OF APRIL 2022 / 22ND CHAITHRA, 1944

CRL.MC NO. 1156 OF 2022

PETITIONER/ACCUSED NO.2:

SARATH.S, AGED 20 YEARS, S/O SHYLAJA,  
NEDUNKALA PUTHEVEEDU, VALLIPARA,AALAMUKKU,ANACODE  
MURI,VEERANAKAVU VILLAGE,THIRUVANANTHAPURAM  
DISTRICT,PIN - 695572  
BY ADV M.R.SARIN

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

- 1 STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,  
ERNAKULAM, PIN-682031
- 2 AJIKUMAR@SUDHEER,  
AGED 45 YEARS,  
S/O SUDHAKARAN,MULLANKUZHYVEEDU,  
NEAR SREEKRISHNA SWAMI TEMPLE,  
PANNIYODU,ANACODU,VEERANAKKKAVU,THIRUVANANTHAPURAM  
DISTRICT, PIN-695572  
BY ADV VIDYA G NAIR  
SR.PUBLIC PROSECUTOR M.K.PUSHPALATHA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
12.04.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**ORDER**

The petitioner is the accused No.2 in Crime No.2782/2021 of Kattakkada Police Station, Thiruvananthapuram District and the offences alleged against the petitioner are under Sections 454,380 and 34 of of the Indian Penal Code.

2. The allegation is that on 04/10/2021 at around 9.20 a.m. illegally entered into the house of the de facto complainant with the intention to stolen rubber sheets which were kept in the stair landing portion of the de facto complainant. The petitioner with the other accused had stolen 30 rubber sheets which caused loss worth 3000/- Rupees. Thus, the accused has committed the alleged offences.

3. Heard the learned counsel for the petitioner, the learned Public Prosecutor as well as the learned counsel for 2<sup>nd</sup> respondent.

4. It is submitted by respective counsel that the petitioner and 2<sup>nd</sup> respondent have arrived at

an amicable settlement and Annexure A2 is the affidavit filed. The affidavit, inter alia, state that all disputes are settled and that the pendency of criminal proceeding would cause hardship to all the parties.

5. From the submission across the Bar and perusing the criminal M.C. and the affidavit referred above, I am satisfied that there has been an amicable settlement and that there is no vitiating circumstances in the respondent filing the affidavit. No purpose will be served by continuing the proceedings in the above circumstances. It is submitted by the learned Public Prosecutor that the statement of the de facto complainant has also be taken to verify the genuineness of the settlement.

6. In view of the judgment of the Hon'ble Supreme Court in ***Gian Singh v. State of Punjab and another [2012 (10) SCC 303]*** and considering the facts and circumstances of the case and in exercise of power of this Court under Section 482

of the Code of Criminal Procedure, I hereby quash Annexure A1 FIR and all further proceedings in Crime No.2782/2021 of Kattakkada Police Station, Thiruvananthapuram District against this petitioner.

The CrI.MC is allowed as above.

**Sd/ -**

**MOHAMMED NIAS C.P.**

**JUDGE**

msp

**APPENDIX OF CRL.MC 1156/2022**

**PETITIONER ANNEXURES**

<b>Annexure1</b>	<b>THE CERTIFIED COPY OF THE FIR IN CRIME NO. 2782/2021 OF KATTAKADA POLICE STATION, THIRUVANATHAPURAM</b>
<b>Annexure2</b>	<b>THE ORIGINAL AFFIDAVIT SOLEMNLY AFFIRMED BY THE 2ND RESPONDENT/DE-FACTO COMPLAINANT DATED 8.02.2022</b>