
(2024) 11 KL CK 0030

High Court Of Kerala

Case No: Criminal Miscellaneous Petition No. 8442 Of 2024

Binu Somanathan

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision: Nov. 12, 2024

Acts Referred:

- Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 528
- Indian Penal Code, 1860 - Section 509
- Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (POA), 1989 - Section 3(1)(r), 3(1)(s)

Hon'ble Judges: A. Badharudeen, J

Bench: Single Bench

Advocate: George Sebastian, Renjit George

Final Decision: Allowed

Judgement

A. Badharudeen, J

1. This Criminal Miscellaneous Case has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to quash Annexure B Final

Report and all further proceedings in S.C.No.538/2024 on the files of the Sessions Court, Kottayam, arose out of Crime No.724/2024 of Vaikom

Police Station, Kottayam. The petitioner herein is the sole accused in the above crime.

2. Heard the learned counsel for the petitioner, the learned counsel appearing for the de facto complainant and the learned Public Prosecutor.

3. In this matter, offences punishable under Section 509 of the Indian Penal Code and under Section 3(1) (r)(s) of the Scheduled Castes and the

Scheduled Tribes (Prevention of Atrocities) Act (POA), 1989, are alleged to have been committed by the accused.

4. It is submitted that the matter has been amicably settled and the de facto complainant filed affidavit in this regard.

5. The learned Public Prosecutor also submitted that the matter has been settled between the parties and statement of the de facto complainant to that effect has been recorded.

6. Since the dispute has been settled in between the parties, there is no reason to disallow the prayer for quashment, so as to facilitate peaceful living of the parties hereinafter. Therefore, in the interest of justice, I am inclined to allow this petition.

In the result, this petition stands allowed and Annexure B Final Report and all further proceedings in S.C.No.538/2024 on the files of the Sessions

Court, Kottayam, arose out of Crime No.724/2024 of Vaikom Police Station, Kottayam as against the petitioner stand quashed.