

Kerala High Court

Villiams vs State Of Kerala on 4 February, 2011

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Crl.MC.No. 43 of 2011()

1. VILLIAMS, AGED 45 YEARS, S/O. GEORGE
... Petitioner

Vs

1. STATE OF KERALA, REPRESENTED BY THE
... Respondent

2. GEROGJE JOSEPH, AGED 28 YEARS,

For Petitioner :SRI.ASHIK K.MOHAMMED ALI

For Respondent :SRI.NAVEEN THOMAS

The Hon'ble MR. Justice THOMAS P.JOSEPH

Dated :04/02/2011

O R D E R

THOMAS P. JOSEPH, J.

Crl.M.C. No.43 of 2011

Dated this the 4th day of February, 2011.

ORDER

Petitioner is accused in Crime No.2066 of 2010 of Palluruthy Police Station for offences punishable under Sections 294(b) and 326 of the Indian Penal Code. Case is that on 26.12.2010 in the course of a birthday party there was a quarrel in which petitioner is said to have used obscene words and assaulted respondent No.2 with a plastic chair causing fracture of the facial bone. Respondent No.2 has sworn an affidavit stating that the matter is settled between him and the petitioner.

2. I have heard learned counsel for petitioner, respondent No.2 and the learned Public Prosecutor. Learned Public Prosecutor has confirmed that there was a settlement originally and then it was

decided that the case need not be filed.

3. It is seen from the affidavit of respondent No.2 that subsequent to registration of the case there was a mediation and in that mediation the matter was settled. He is not interested in proceeding with the case. In view of the settlement between parties there is no possibility of a successful culmination of the prosecution. Hence I am inclined to allow this petition. CrI.MC No.43/2011 Resultantly this petition is allowed. The FIR in Crime No.2066 of 2010 of Palluruthy Police Station and further proceeding thereto against petitioner are quashed.

THOMAS P.JOSEPH, Judge.

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