IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.SOMARAJAN

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

Crl.MC.No.4613 OF 2020(F)

C.P. No.18/2020 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, THRIPUNITHURA

CRIME NO.399/2018 OF HILL PALACE POLICE STATION, ERNAKULAM

PETITIONERS/ACCUSED 2:

GOPIKRISHNAN P.G, AGED 24 YEARS,
S/o ANITHA GOPAKUMAR,
PISHARIKOVILWARYAM HOUSE, EROOR (PO),
NADAMA VILLAGE, EROOR WEST, ERNAKULAM DISTRICT

BY ADV. SRI.BOBY THOMAS

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

1 **THE STATE OF KERALA,**
REPRESENTED BY THE STATION HOUSE OFFICER,
HILLPALACE POLICE STATION, ERNAKULAM DISTRICT,
THROUGH THE LEARNED PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM

2 **ATHUL M, AGED 22 YEARS,**
S/o MANOJ KUMAR V, KONOTH HOUSE,
IRUMBANAM P.O., HILLPALACE,
THRIPPUNITHURA-682 301.

BY PUBLIC PROSECUTOR SMT. M.N.MAYA

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 14.12.2020. THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

The final report submitted alleging the offence punishable under Sections 341, 324 and 308 r/w Section 34 IPC sought to be quashed under Section 482 Cr.P.C. on the ground that the case was earlier settled between accused No.1 and the defacto complainant. The present applicant is accused No.2, against whom the final report was submitted. It was also submitted that no injury sustained by the defacto complainant in connection with the alleged incident. It may be a valid defence, but the same cannot be used as a ground for exhausting the jurisdiction under Section 482 Cr.P.C. This court cannot usurp the powers of trial court under Section 482 Cr.P.C. The existence of valid defence or right to maintain a discharge petition by itself will not constitute a sufficient ground to exhaust the jurisdiction under Section 482 Cr.P.C. Without prejudice to the right of petitioner to exhaust all his remedies, the present Crl.M.C. is hereby dismissed.

Sd/-

P.SOMARAJAN

JUDGE

DMR/-

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1	**CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN CRIME NO. 399/2018 OF THE HILLPALACE POLICE STATION.**
ANNEXURE A2	**CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO 399/2018 OF HILPALACE POLICE STATION**

RESPONDENTS' ANNEXURE: NIL

// TRUE COPY //

P.A. TO JUDGE