IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

THURSDAY, THE 18TH DAY OF JANUARY 2024 / 28TH POUSHA, 1945

CRL.MC NO. 11371 OF 2023

CRIME NO.542/2019 OF ANTHIKAD POLICE STATION, THRISSUR

IN S.C.NO.218/2020 OF ASSISTANT SESSIONS COURT/PRINCIPAL SUB COURT / COMMERCIAL COURT, THRISSUR

PETITIONERS/ACCUSED NOS. 1 TO 4:

1 VISHNU
AGED 33 YEARS
S/O. UNNIKRISHNAN,
PEZHI HOUSE, EDASSERY,
PULIYANTHIRUTH DESOM, THALIKKULAM P.O,
THRISSUR DISTRICT., PIN – 680569

2 PRADEEP
AGED 40 YEARS
S/O RAGHAVAN,
KOZHIKOTTU HOUSE, EDASSERY,
PULIYANTHIRUTH DESOM, THALIKKULAM P.O,
THRISSUR DISTRICT., PIN – 680569

3 VIJEESH
AGED 31 YEARS
S/O. UNNIKRISHNAN,
PEZHI HOUSE, EDASSERY,
PULIYANTHIRUTH DESOM, THALIKKULAM P.O,
THRISSUR DISTRICT, PIN – 680569

4 VIJEESH KUMAR
AGED 37 YEARS
S/O VIJAYAN,
VAYALEDATHU HOUSE, EDASSERY,
PULIYANTHIRUTH DESOM, THALIKKULAM P.O,
THRISSUR DISTRICT., PIN – 680569

BY ADV. ANWIN JOHN ANTONY

RESPONDENTS/STATE DEFACTO COMPLAINANT & CW2:

1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
(REPRESENTING SHO, ANT
HIKKAD POLICE STATION),
PIN - 682031

2 VYSAGH
AGED 32 YEARS
MUTHEDATH HOUSE, KANJANI,
SREE SHANKARA SHED DESOM,
MANALUR VILLAGE, THRISSUR DISTRICT., PIN – 680617

3 THILAKAN
AGED 66 YEARS
S/O. KOCHEKKAN,
MUTHEDATH HOUSE, KANJANI,
SREE SHANKARA SHED DESOM,
MANALUR VILLAGE, THRISSUR DISTRICT., PIN – 680617

BY ADV GEORGIE JOHNY

OTHER PRESENT:

SMT. V. SREEJA,
PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18.01.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

Crl.M.C. No.11371 of 2023

Dated this the 18th day of January, 2024

ORDER

Petitioners have invoked the jurisdiction under Section 482 Cr.P.C to quash all proceedings against them.

2. Petitioners are accused Nos. 1 to 4 in S.C. No.218/2020 on the files of the Principal Assistant Sessions Court, Thrissur, arising out of Crime No.542/2019 of Anthikkad Police Station, Thrissur District, registered for the offences under Sections 452, 341, 323, 324, 506 and 308 r/w Section 34 of the Indian Penal Code, 1860. Respondents 2 and 3 are the defacto complainant and the injured witness.

3. According to the prosecution, on accused had, on 02.09.2019, trespassed into the shop of the defacto complainant and assaulted him and thereby committed the offences alleged.

4. Heard the learned counsel for the petitioners and the learned counsel for the respondents, apart from the learned Public Prosecutor.

5. The learned counsel for the petitioners submitted that the matter has been settled and hence the proceedings against the petitioners ought to be quashed. It was also submitted that, considering the nature of offences alleged, no purpose would be served by continuing the proceedings.

6. In ***Gian Singh v. State of Punjab and Another*** *[(2012) 10 SCC 303]*, the Apex Court has held that in appropriate cases, the High Court can take note of the amicable resolution of disputes between the victim and the wrongdoer to put an end to the criminal proceedings. This view was reiterated in ***Narinder Singh and Others v. State of Punjab and Another*** *[(2014) 6 SCC 466]* and ***Yogendra Yadav and Others v. State of Jharkhand and Another*** *[(2014) 9 SCC 653]*.

7. I have perused Annexure-3 and Annexure-4 affidavits filed by respondents 2 and 3. The learned Public Prosecutor has submitted that upon verification, it is understood that the affidavits are genuine, and the defacto complainant and the other deponent stand by the contents thereof. I am satisfied that the matter has been settled and no public interest is involved in this case. There is no impediment for granting the prayer for quashing. The continuance of the proceedings will only be an exercise in futility.

8. Accordingly, all proceedings against the petitioners in S.C. No.218/2020 on the files of the Principal Assistant Sessions Court, Thrissur, are quashed.

This Crl.M.C is allowed as above.

Sd/-

BECHU KURIAN THOMAS
JUDGE

Jka/18.01.24.

APPENDIX OF CRL.MC 11371/2023

PETITIONER ANNEXURES

Annexure-1	TRUE COPY OF THE FIR DATED 04.09.2019 IN CRIME NO.542/2019 OF ANTHIKKAD POLICE STATION.
Annexure-2	TRUE COPY OF THE FINAL REPORT DATED NIL IN CRIME NO.542/2019 OF ANTHIKKAD POLICE STATION.
Annexure-3	TRUE COPY OF THE AFFIDAVIT DATED 20.12.2023 SWORN TO BY THE DE-FACTO COMPLAINANT/ 2ND RESPONDENT.
Annexure-4	TRUE COPY OF THE AFFIDAVIT DATED 20.12.2023 SWORN TO BY THE INJURED WITNESS/3RD RESPONDENT.