IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

FRIDAY, THE 2ND DAY OF AUGUST 2024 / 11TH SRAVANA, 1946

CRL.MC NO. 3831 OF 2024

CRIME NO.529/2022 OF ELAMAKKARA POLICE STATION, Ernakulam

PETITIONERS/ ACCUSED NOS. 1 TO 3 :

1 NIMIL GEORGE SANTHOSH
AGED 22 YEARS
S/O SANTHOSH, PERINGATTUPARAMBIL,
MANATHOOR P.O, THIRUMARADI, KOOTHATUKULAM,
ERNAKULAM DISTRICT, PIN - 686662

2 BITTU BABU
AGED 21 YEARS
S/O BABU, ONASSERY HOUSE,
PIRAVOM P.O, ERNAKULAM DISTRICT,
PIN - 686664

3 SREEHARI
AGED 21 YEARS
S/O PRAKASH, KUNNEL HOUSE,
PIRAVOM P.O, ERNAKULAM DISTRICT,
PIN - 686664

BY ADVS.
K.MOHAMMED RAFEEQ
P.M.MATHEW
AMARNATH R LAL
SANALDEV E.P.
VISHNUMAYA ANANDAN
SONYMON ANTONY
AJMAL V. KARIM

RESPONDENT/ STATE AND COMPLAINANT :

1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM DISTRICT,
PIN - 682031

2 STATION HOUSE OFFICER
ELAMAKKARA POLICE STATION,
ERNAKULAM DISTRICT, PIN - 682026

3 SURYAJITH T.S
AGED 27 YEARS
S/O SURESH BABU THAIPARAMBIL HOUSE,
OCHANTHURUTHU P.O, ERNAKULAM DISTRICT,
PIN - 682508

BY ADV BIBIN MATHEW

BY SRI. ASHI M.C., PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 02.08.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

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Crl.M.C.No.3831 of 2024

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Dated this the 2nd day of August, 2024

ORDER

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

2. Petitioners are accused 1 to 3 in Crime No.529 of 2022 of Elamakkara Police Station, Ernakulam, registered for the offences under Section 420 of the Indian Penal Code, 1860. It needs to be mentioned that though initially the offences under Sections 468 and 471 I.P.C. were also included, during the course of investigation, those two offences have been deleted. The 3rd respondent is the defacto complainant.

3. According to the prosecution, the accused had on 21.08.2022 bought alloy wheels from the defacto complainant and failed to pay the amount to him and thereby committed the offences alleged.

4. Heard the learned counsel for the petitioners and the learned counsel for the respondent, 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-2 affidavit filed by the 3rd respondent. The learned Public Prosecutor has submitted that upon verification, it is understood that the affidavit is genuine, and the defacto complainant stands 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 Crime No.529 of 2022 of Elamakkara Police Station, Ernakulam are quashed.

This Crl.M.C is allowed as above.

Sd/-

BECHU KURIAN THOMAS, JUDGE

RKM

APPENDIX OF CRL.MC 3831/2024

PETITIONERS' ANNEXURES :

Annexure-1	**TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME NO. 529/2022 OF ELAMAKKARA POLICE STATION.**
Annexure2	**ORIGINAL AFFIDAVIT DATED 13.04.2024 SWORN BY THE THIRD RESPONDENT HEREIN.**