IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

MONDAY, THE 22ND DAY OF JULY 2024 / 31ST ASHADHA, 1946

CRL.MC NO. 5374 OF 2024

CRIME NO.432/2024 OF KARUKACHAL POLICE STATION, KOTTAYAM

PETITIONER/ACCUSED:

ARUN SHAJI,
AGED 32 YEARS, S/O SHAJI,
BANGLANKUNNEL HOUSE,
KARUKACHAL, KOTTAYAM DISTRICT, PIN-686540.

BY ADVS.
M.P.MADHAVANKUTTY
MATHEW DEVASSI
ANANTHAKRISHNAN A. KARTHA

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

1 **THE STATE OF KERALA**
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN-682031.

2 **THE STATION HOUSE OFFICER,**
KARUKACHAL POLICE STATION,
KOTTAYAM, PIN 686540.

3 **PAMPI HATIBARUAH,**
AGED 24 YEARS, W/O HIRANJYOTHIHATIBARUAH,
ALACKAPPARAMBIL HOUSE, KARUKACHAL,
KOTTAYAM DISTRICT, PIN-686540.

4 **BISHAL KANDULNA,**
AGED 24 YEARS, DHUMJIPARA TEA GARDEN,
EAST CHURCH LINE, RARIJHORA, WEST BENGAL,
NOW RESIDING AT ALACKAPPARAMBIL HOUSE,
KARUKACHAL P.O, KOTTAYAM DISTRICT, PIN–686540.

R1&R2 SRI.RENJIT GEORGE, SENIOR PUBLIC PROSECUTOR

R3&R4 ADV.SANTHI M.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 22.07.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 22nd day of July, 2024

This Criminal Miscellaneous Case has been filed under Section 482 of the Code of Criminal Procedure, 1973, to quash all further proceedings pursuant to Annexure-I FIR in Crime No.432/2024 of Karukachal Police Station, Kottayam. Petitioner herein is the accused in the above case.

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

3. In this matter, prosecution alleges commission of offences punishable under Sections 294(b), 341, 323, 324, 427, 354 and 354B of the Indian Penal Code.

4. Separate affidavits sworn by the defacto complainant and the injured person have been placed stating that the matter has been settled in between them and they have no grievance in the matter of quashing the proceedings.

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

6. Though it is submitted by the learned Public Prosecutor that going by the FIS, the name of the injured is 'Vishal', the affidavit filed by one 'Bishal Kandulna, a native of West Bengal, the learned Public Prosecutor further submitted that statements of both injured persons recorded supporting the settlement. On perusal of the records, the same would show that the name referred to in the FIS as 'Vishal' is none other than 'Bishal Kandulna', as specifically pointed by the learned counsel for the petitioner. Therefore, the settlement can be acted upon.

7. Since the matter has been amicably settled between the parties, there is no reason to disallow the prayer for quashment, so as to retain them in hazards of litigation. Therefore, in the interest of justice, I am inclined to allow this petition.

8. In the result, this petition stands allowed. Annexure-I FIR in Crime No.432/2024 of Karukachal Police Station, Kottayam, and the proceedings thereof stand quashed.

Sd/-
A. BADHARUDEEN
JUDGE

bpr

APPENDIX OF CRL.MC 5374/2024

PETITIONER'S ANNEXURES

Annexure-I	**THE CERTIFIED COPY OF FIR AND FIS IN CRIME NO.432/2024 DATED 04/05/2024 BEFORE THE KARUKACHAL POLICE STATION**
Annexure-II	**A TRUE COPY OF THE AFFIDAVIT SWORN BY THE 3RD RESPONDENT DATED 9/5/2024**
Annexure-III	**A TRUE COPY OF THE AFFIDAVIT SWORN BY THE 4TH RESPONDENT DATED 9/5/2024**