IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

WEDNESDAY, THE 24TH DAY OF JULY 2024 / 2ND SRAVANA, 1946

CRL.MC NO. 5626 OF 2024

CRIME NO.391/2024 OF Kuravilangadu Police Station, Kottayam

PETITIONERS:

1 RAJENTH M.R
AGED 37 YEARS
S/O M.K. RAJAPPAN,
MANJAKUNNEL HOUSE,
MANNACKANADU,
MANNACKANADU P.O.,
MEENACHIL TALUK,
KOTTAYAM, PIN - 686633

2 RAJESH S. NAIR
AGED 40 YEARS
S/O V.N. SOMASEKHARAN NAIR,
RESIDING AT GEETHALAYAM,
KURICHITHANAM,
KURICHITHANAM P.O.,
MEENACHIL TALUK,
KOTTAYAM, PIN - 686634

BY ADVS.
NIRMAL V NAIR
MOHAMMED MUSHTHAQ S.

RESPONDENTS:

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

2 ABBAS P.S.
AGED 55 YEARS
S/O SAID MUHAMMAD
RESIDING AT UPPATHEZHATHU HOUSE,
CHALAKKAPPARA BHAGOM,
KULAYETTIKKARA P.O.,
AMBALLOOR VILLAGE,
KANAYANNUR TALUK,
ERNAKULAM, PIN - 682315

BY ADV ENCIL K. SABU

OTHER PRESENT:

SRI. NOUSHAD K. A. (PP)

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.07.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

Crl.M.C. No. 5626 of 2024

Dated this the 24th day of July, 2024

ORDER

Petitioners have invoked the jurisdiction under Section 482 of Code of Criminal Procedure, 1973 to quash all proceedings against them.

2. Petitioners are the accused in Crime No. 391 of 2024 of Kuravilangadu Police Station, Kottayam, registered for the offences under Sections 323 and 332 r/w Section 34 of the Indian Penal Code, 1860 apart from Sections 4(1) and 3 of the Kerala Healthcare Service Persons and Healthcare Service Institutions (Prevention of Violence and Damage to Property) Act, 2012. Second respondent is the defacto complainant.

3. According to the prosecution, the accused had on 14-04-2024 assaulted the defacto complainant who was working as a Nursing Assistant 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 A2 affidavit filed by the 2nd 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. 391 of 2024 of Kuravilangadu Police Station, Kottayam are quashed.

This Crl.M.C is allowed as above.

Sd/-

BECHU KURIAN THOMAS
JUDGE

AJM

APPENDIX OF CRL.MC 5626/2024

PETITIONER ANNEXURES

Annexure A1	**A TRUE COPY OF THE FIR DATED 15-4-2024 IN CRIME NO. 391/2024 OF THE KURAVILANGADU POLICE STATION**
Annexure A2	**THE AFFIDAVIT DATED 25-6-2024 SWORN BY THE 2ND RESPONDENT**