IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

TUESDAY, THE 30TH DAY OF JULY 2024 / 8TH SRAVANA, 1946

CRL.MC NO. 5803 OF 2024

CRIME NO.412/2024 OF Harbour Police Station, Ernakulam

AGAINST THE ORDER/JUDGMENT DATED IN CC NO.322 OF 2024 OF JUDICIAL MAGISTRATE OF FIRST CLASS -I,KOCHI

PETITIONERS:

1 MURUKAN S
AGED 28 YEARS
S/O SUNDARAM MEENAMMAL
COMPOUND,
JANAKI NAGAR 1ST STREET,
MADURAI,
TAMIL NADU NOW RESIDE@ NEDUMPURATHE (H)
C/O YESHUDAS,
MALASYAPURY VATHURUTHY,
KOCHI, PIN - 682020

2 PRAVEEN KUMAR R @ KARUPP
AGED 24 YEARS
GANGUVARPETTY,
THENI, THAMIL NADU
NOW RESIDE @ THEKKUMPURATHE (H)
MALASYAPURY, VATHURUTHY, KOCHI, PIN - 682020

BY ADV SRUTHY UNNIKRISHNAN

RESPONDENTS:

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

2 PANDI GANESH
AGED 26 YEARS
SUPPUNAYIDU THERUVU,
ASARI STREET,
ANDIPETTI THALUK,
THENI , TAMILNADU,
NOW RESIDE @ PANIYIL VEETIL,
MALASYAPURY P.O, VATHURUTHY,
ERNAKULAM, KERALA, PIN - 682029

BY ADV ARYA B. VENUGOPAL

OTHER PRESENT:

SRI. ASHI M.C (PP)

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30.07.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

Crl.M.C. No. 5803 of 2024

Dated this the 30th 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 C.C. No. 322 of 2024 on the files of the Judicial First Class Magistrate's Court-I, Kochi, arising out of Crime No. 412 of 2024 of Harbour Police Station, Ernakulam, registered for the offences under Section 394 of the Indian Penal Code, 1860. Second respondent is the defacto complainant.

3. According to the prosecution, the accused had on 04-04-2024 with the intent to commit theft, attacked the defacto complainant and caused injury to his head 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 II 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 C.C. No. 322 of 2024 on the files of the Judicial First Class Magistrate's Court-I, Kochi are quashed.

This Crl.M.C is allowed as above.

Sd/-

BECHU KURIAN THOMAS
JUDGE

AJM

APPENDIX OF CRL.MC 5803/2024

PETITIONER ANNEXURES

Annexure I	**A CERTIFIED COPY OF THE CHARGE REPORT IN CRIME NO.412/2024 OF HARBOUR POLICE STATION, ERNAKULAM DISTRICT DATED 03/05/2024**
Annexure II	**THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT DATED ON 04/07/24**