IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

TUESDAY, THE 23RD DAY OF JULY 2024 / 1ST SRAVANA, 1946

CRL.MC NO. 5830 OF 2024

CRIME NO.846/2015 OF THIRUVALLAM POLICE STATION, THIRUVANANTHAPURAM, AGAINST THE ORDER/JUDGMENT IN CC NO.1359 OF 2015 OF JUDICIAL MAGISTRATE OF FIRST CLASS - II,NEYYATTINKARA

PETITIONER/ACCUSED:

SAJIDARSH
AGED 45 YEARS
S/O SUDARSANAN, 'DARSANA', NEAR YOKSHIYAMMAN TEMPLE, PALAPPOOR WARD, KALLIYOOR VILLAGE, NEYYATTINKARA TALUK, THIRUVANANTHAPURAM, PIN - 695042

BY ADVS.
R.HARIKRISHNAN (H-308)
G.SUDHEER

RESPONDENTS/STATE&DEFACTO COMPLAINANTS:

1 **STATE OF KERALA**
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN – 682031.

2 **FR. MATHEW ARAKALLAM**
AGED 61 YEARS
S/O. MATHEW, PRINCIPAL, CHRIST NAGAR SCHOOL, THIRUVALLAM, NEYYATTINKARA, THIRUVANANTHAPURAM, PIN – 695072.

3 **JOHNSON, AGED 48 YEARS,**
S/O. GRIGORIOUS, TC. 65/1795, THEKKUMPARAMBIL VEEDU, NEW MALANKARA CHURCH, THIRUVALLOM, THIRUVALLOM VILLAGE, NEYYATTINKARA TALUK, THIRUVANANTHAPURAM, PIN – 695072.

BY ADV.N.P. ASHA

OTHER PRESENT:

SMT.SREEJA.V. (PP)

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 23.07.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

CRL.MC.No.5830 of 2024

Dated this the 23rd day of July, 2024

ORDER

Petitioner has invoked the jurisdiction under Section 482 Cr.P.C to quash all proceedings against him.

2. Petitioner is the accused in C.C. No.1359/2015 on the files of the Judicial Magistrate of First Class-II, Neyyattinkara arising out of Crime No.846/2015 of Thiruvallam Police Station, Thiruvananthapuram, registered for the offences under Sections 501, 506(i), 294(b), 283 of the Indian Penal Code, 1860. 2nd and 3rd respondents are the defacto complainant and victim.

3. According to the prosecution, the accused had on 15.06.2015 abused the defacto complainant and obstructed a school bus and threatened the defacto complainant and CW3 and thereby committed the offences alleged.

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

5. The learned counsel for the petitioner submitted that the matter has been settled and hence the proceedings against the petitioner 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 A3 and Annexure A4 affidavits filed by the 2nd and 3rd respondents. 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. Though the Public Prosecutor pointed out that, CW3 is also an aggrieved person, having regard to the circumstances that, CW3 is no more, and that the settlement has been arrived at between the parties, I am satisfied that the proceedings can be quashed on the basis of the affidavits produced as Annexure A3 and Annexure A4.

9. Accordingly, all proceedings against the petitioner in C.C. No.1359/2015 on the files of the Judicial Magistrate of First Class-II, Neyyattinkara are quashed.

This Crl.M.C is allowed as above.

Sd/-
BECHU KURIAN THOMAS
JUDGE

pvv

APPENDIX OF CRL.MC 5830/2024

PETITIONER ANNEXURES

ANNEXURE A1	**COPY OF THE FIR IN CRIME NO. 846/2015 OF THIRUVALLOM POLICE STATION ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, NEYYATTINKARA**
ANNEXURE A2	**CERTIFIED COPY OF THE FINAL REPORT IN C.C. NO. 1359/2015 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, NEYYATTINKARA**
ANNEXURE A3	**THE AFFIDAVIT DATED 27.6.2024 SWORN BY 2ND RESPONDENT BEFORE NOTARY PUBLIC**
ANNEXURE A4	**THE AFFIDAVIT DATED 27.6.2024 SWORN BY 3RD RESPONDENT**