IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

MONDAY, THE 29TH DAY OF JULY 2024 / 7TH SRAVANA, 1946

CRL.MC NO. 5969 OF 2024

CRIME NO.538/2024 OF Thoppumpady Police Station, Ernakulam

CC NO.467 OF 2024 OF JUDICIAL MAGISTRATE OF FIRST CLASS -II, KOCHI

PETITIONERS/ ACCUSED :

1 **ABDULLA NIZAR AHAMMED**
AGED 20 YEARS
S/O NIZAR, H.NO: 13/1582,
JANATHA ROAD, NAZRETH, MATTANCHERRY,
PRESENTLY RESIDING AY H.NO: 24/1395,
C/O AMBILI, NEAR KK AUTO SPARES,
CHEMMEENS ROAD, THOPPUMPADI, KOCHI,
PIN - 682005

2 **SUFIYAN**
AGED 31 YEARS
S/O SADIQUE, H.NO: 7/484,
MARAKKADAVU, MATTANCHERRY, KOCHI,
PIN - 682002

3 **SUNEESH T. H**
AGED 36 YEARS
S/O HUSSAIN, H.NO: 12/942,
AMBALAPARAMBU, PANAYAPPILLY, KOCHI,
PRESENTLY RESIDING AT H.NO: 24/1395,
C/O AMBILI, NEAR KK AUTO SPARES,
CHEMMEENS ROAD, THOPPUMPADI, KOCHI,
PIN - 682005

BY ADVS.
RAIEEZ M ASHRAF
P.B.MUHAMMED AJEESH

RESPONDENT/ RESPONDENT :

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

2 STATION HOUSE OFFICER
THOPPUMPADI POLICE STATION,
THOPPUMPADI, KOCHI,
PIN - 682005

3 SHABNAS
AGED 38 YEARS
S/O ABDULLA, PARAMBATH, CHERUPURAM,
VELAM, VADAKARA,KOZHIKODE RURAL,
PRESENTLY RESIDING AT ROOM NO. 4,
THIRD FLOOR, MANAMA TOWER, NEAR BOT BRIDGE,
THOPPUMPADI, KOCHI, PIN – 682 005

4 MANSOOR ALI
AGED 34 YEARS
S/O MUHAMMED KHANI, KPK HOUSE,
CHEENIKKODE STREET, MELARKODE PO,
ALATHOOR, PALAKKAD,
PRESENTLY RESIDING AT ROOM NO. 4,
THIRD FLOOR, MANAMA TOWER, NEAR BOT BRIDGE,
THOPPUMPADI, KOCHI, PIN - 682005

BY ADVS.
SANDEEP V.G.
ATHIRA UTHAMAN

SMT. SREEJA V., PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29.07.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

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Crl.M.C.No.5969 of 2024

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Dated this the 29th day of July, 2024

ORDER

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

2. Petitioners are the accused in C.C. No.467 of 2024 on the files of the Judicial Magistrate of First Class-II, Kochi, arising out of Crime No.538 of 2024 of Thoppumpady Police Station, Pathanamthitta, registered for the offences under Sections 294(b), 323, 341, 427, 447 and 506 r/w Section 34 of the Indian Penal Code, 1860. 3rd respondent is the defacto complainant and the 4th respondent is the injured witness.

3. According to the prosecution, on 06.03.2024, the accused had restrained the defacto complainant and the injured witness and assaulted them after trespassing into the office run by the defacto complainant and also committed mischief and thereby committed the offences alleged.

4. Heard the learned counsel for the petitioners and the learned counsel for the respondents, 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 3 and Annexure 4 affidavits filed by respondents 3 and 4. The learned Public Prosecutor has submitted that upon verification, it is understood that the affidavits are genuine, and the defacto complainant and the other deponents 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. Accordingly, all proceedings against the petitioners in C.C. No.467 of 2024 on the files of the Judicial Magistrate of First Class-II, Kochi are quashed.

This Crl.M.C is allowed as above.

Sd/-
BECHU KURIAN THOMAS, JUDGE

RKM

APPENDIX OF CRL.MC 5969/2024

PETITIONERS' ANNEXURES :

Annexure 1	**CERTIFIED COPY OF THE FIR IN CRIME NO. 538 OF 2024 OF THOPPUMPADI POLICE STATION DATED 07/03/2024**
Annexure 2	**CERTIFIED COPY OF THE FINAL REPORT IN CC NO. 467/2024 DATED 19/03/2024 PENDING BEFORE THE HON'BLE JFCM II, COURT, KOCHI**
Annexure 3	**AFFIDAVIT SWORN BY THE DEFACTO COMPLAINANT/3RD RESPONDENT DATED 30/6/2024**
Annexure 4	**AFFIDAVIT SWORN BY THE INJURED/4TH RESPONDENT DATED 30/6/2024**