



2025:KER:30762

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 24TH DAY OF MARCH 2025 / 3RD CHAITHRA, 1947

CRL.MC NO. 1607 OF 2025

CRIME NO.1646/2024 OF Muvattupuzha Police Station, Ernakulam

IN CP NO.4 OF 2025 OF JUDICIAL MAGISTRATE OF FIRST CLASS -I

MUVATTUPUZHA

PETITIONER/INJURED:

NAVEEN GOPAL
AGED 29 YEARS
S/O. GOPAL, SANGAMAM PADI, VELLOORKUNNAM VILLAGE,
ERNAKULAM, PIN - 686669

BY ADVS.
MITHUN P.
MERIN THOMAS

RESPONDENTS/COMPLAINANT, DEFACTO COMPLAINANT & ACCUSED:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, PIN - 682031
- 2 SREENATH
AGED 47 YEARS
S/O. GOVINDAN NAIR, MANGALATH HOUSE, SANGAMAM PADI,
KADATHYKARA, VELLOORKUNNAM VILLAGE, ERNAKULAM, PIN -
686669
- 3 JUGAL KISHORE
AGED 46 YEARS
S/O. GOPINATHAN NAIR, MANGALATH, KADATHY EAST,
MOOVATUPUZHA, VELLOORKUNNAM VILLAGE, ERNAKULAM, PIN -



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BY ADVS.
HARISHMA.P.THAMPI
S.RAJEEV
V.VINAY(K/355/2009)
M.S.ANEER(K/644/2013)
ANILKUMAR C.R.(K/001190/2020)
SARATH K.P.(K/001467/2021)
K.S.KIRAN KRISHNAN(K/3514/2022)
DIPA V.(K/003785/2024)

PP M.C.ASHI

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
24.03.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



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ORDER

Dated this the 24th day of March, 2025

Petitioner is the injured in Crime No.1646 of 2024 registered at the Muvattupuzha Police Station for offences punishable under Section 109(1) of the BNS and Section 27(1) r/w Section 5(1) of the Arms Act, now pending as C.P No.4 of 2025 on the files of the Judicial First Class Magistrate Court-I, Muvattupuzha.

2. The crime is registered on the allegation that at about 11:45 p.m on 22.08.2024, the accused, by reason of his enmity, shot the petitioner twice with a pistol, thereby causing serious injuries.

3. Learned Counsel for respondents 2 and 3 submitted that the dispute, which led to the incident



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and registration of the crime, is amicably settled between the parties. Learned counsel for the petitioner submitted that the accused/3rd respondent is a close relative of the petitioner. The 3rd respondent is in possession of a licensed pistol and the incident occurred when the shots were accidentally fired while the petitioner was inspecting the pistol out of curiosity. As the petitioner got seriously injured, he was rushed to the hospital and the First Information Statement was given by his uncle. By the time the petitioner recuperated, the final report in the crime was submitted in court. Therefore, the petitioner has submitted an affidavit narrating the true facts, which was taken into consideration by the Sessions Court while granting bail to the 3rd respondent. It is submitted that the entire issue having been resolved,



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continuation of the proceedings against the 3rd respondent will amount to an abuse of process of court.

4. Learned Public Prosecutor submitted that the Police filed final report after completing the investigation and the matter is now pending as C.P.No.4 of 2025 on the files of the Judicial Magistrate of First Class-I, Muvattupuzha. It is contended that one of the offences alleged being under Section 109(1) of BNS, the prayer for quashing the proceedings cannot be allowed.

5. It is true that the alleged offences are serious in nature, and when there is allegation of commission of a heinous offence like Section 109(1) of BNS, the proceedings cannot be quashed ordinarily based on the settlement between the parties. Here it



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is also pertinent to note the recent decision of the Apex Court in **Naushey Ali v. State of U.P.** [2025 KLT OnLine 1262 (SC)], wherein it is held that mere mention of Section 307 IPC in the FIR or the charge sheet should not be the basis for adopting a hands-off approach by the court when parties come forward with a settlement. In the case at hand, the injured has stated on affidavit that he sustained the injuries due to the accidental firing of the pistol he was handling. It is also on record that the petitioner and the 3rd respondent are close relatives and have resolved all disputes. Moreover, no public interest is involved in the matter. In view of the settlement, there is no possibility of the criminal proceedings ending in conviction also. In view of the above factors and the legal position set out by the Honourable Supreme



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Court in **Madan Mohan Abbot v State of Punjab** [(2008) 4 SCC 582] and **Gian Singh v State of Punjab and Another** [(2012) 10 SCC 303], there is no impediment in granting the relief.

In the result, this Crl.M.C is allowed. Annexure A1 final report and all further proceedings in Crime No.1646 of 2024 registered at the Muvattupuzha Police Station, now pending as C.P No.4 of 2025 on the files of the Judicial First Class Magistrate Court-I, Muvattupuzha, as against the 3rd respondent, is quashed.

**Sd/-
V.G.ARUN
JUDGE**

SSK/24/03



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APPENDIX OF CRL.MC 1607/2025

PETITIONER ANNEXURES

- Annexure A1** CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO 1646/2024 OF MUVATUPUZHA POLICE STATION, ERNAKULAM DISTRICT, NOW PENDING AS C.P. NO 4/2025 ON THE FILE OF JUDICIAL MAGISTRATE OF FIRST CLASS-I, MUVATTUPUZHA DATED 19.12.2024
- Annexure A2** CERTIFIED COPY OF THE FIRST INFORMATION REPORT AND FIRST INFORMATION STATEMENT IN CRIME NO. 1646/2024 OF MOOVATUPUZHA POLICE STATION DATED 23.8.2024
- Annexure A3** TRUE COPY OF THE AFFIDAVIT SWORN BY THE PETITIONER PRODUCED BEFORE THE SESSIONS COURT, ERNAKULAM DATED 10.09.2024
- Annexure A4** NOTARIZED COPY OF THE AFFIDAVIT SWORN BY THE PETITIONER DATED 27.1.2025

RESPONDENT ANNEXURES

- Annexure R2 (a)** AFFIDAVIT SWORN BY THE 2ND RESPONDENT / DEFACTO COMPLAINANT DATED 27.01.2025

RESPONDENTS EXHIBITS : NIL

TRUE COPY

P.A. TO JUDGE