

Hashir P P vs the Bank Manager

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Court : Kerala

Decided On : Mar-06-2025

Judge : Honourable Mr.Justice C.S.Dias

Appeal No. : WP(C)/2164/2025

Appellant : Hashir P P

Respondent : The Bank Manager

Judgement :

CRL.MC NO. 2164 OF 2025 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR
FRIDAY, THE 4TH DAY OF APRIL 2025 / 14TH CHAITHRA, 1947
CRL.MC NO. 2164 OF 2025 CRIME NO.421/2016 OF VIDYA NAGAR
POLICE STATION, Kasargod AGAINST THE ORDER/JUDGMENT
DATED IN CC NO.39 OF 2017

OF JUDICIAL MAGISTRATE OF FIRST CLASS ,KASARAGOD
PETITIONER/ACCUSED NO.4: 1 MUHAMMED SHAFI K, AGED 45
YEARS S/O KUNJAMU HAJI, CHERKALA,CHENGALA GRAMAM., PIN
- 2 SIRAJUDHEEN K, AGED 35 YEARS 3 JAFAR SADIQUE, AGED 40

YEARS 4 NOORUDHEEN K , AGED 31 YEARS BY ADVS. P.E.SAJAL MUHAMMED HISHAM T. RESPONDENT/STATE AND DEFACTO COMPLAINANT: CRL.MC NO. 2164 OF 2025 2 1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 2 MOIDEEN A, AGED 63 YEARS S/O ABOOBACKER, BALADUKKAM HOUSE, CHERKALA,CHENGALA GRAMAM., PIN - 671542 BY ADV AJAS K.S. OTHER PRESENT: PP SMT MAYA M N THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04.04.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CRL.MC NO. 2164 OF 2025 3

ORDER

This application is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. The petitioners are accused No.1 to 4 in Crime No.421/2016 of Vidyangar Police Station. The offences alleged against the petitioner are under Sections 341, 323, 324 r/w Section 34 of the IPC.

3. The allegations against the petitioners are that at

4.30 p.m. on 27.09.2016 they in furtherance of their common intention wrongfully restrained the 1st respondent and inflicted him injuries and thereby committed the aforementioned offences.

4. 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. An affidavit of the 2nd respondent stating that the matter was settled has been placed on record.

5. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

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 CRL.MC NO. 2164 OF 2025 4 proceedings.

7. I have perused Annexure A3 affidavit filed by the 2 nd

respondent. The learned Public Prosecutor on instructions would submit that the matter involved in C.C.No.39/2017 on the files of the Judicial First Class Magistrate Court-I, Kasargod has been settled between the parties and the 2nd respondent has no further grievance. I am satisfied that the matter has been settled and no public interest is involved in this case. As also, there is no impediment for granting the prayer for quashing. The continuance of the proceedings will therefore be an exercise in futility.

8. Accordingly, all proceedings against the petitioner in

Crime No.421/2016 of Vidyanagar Police Station, Kasaragod District dated 28.03.2016, now pending as C.C.No.39/2017 before the Judicial First Class Magistrate Court, Kasaragod is quashed. The Crl.M.C. is allowed as above. sd/ P.G. AJITHKUMAR JUDGE jm/ CRL.MC NO. 2164 OF 2025 5 APPENDIX OF CRL.MC 2164/2025 PETITIONER ANNEXURES Annexure A1 THE CERTIFIED COPY OF THE FIR NUMBER POLICE STATION Annexure A2 CERTIFIED COPY OF THE FINAL REPORT IN C.C NO.39/2017 ON THE FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KASARGODE DATED 18-07-2017 Annexure A3 TRUE COPY OF THE AFFIDAVIT SIGN BY THE 2ND RESPONDENT DATED 5TH DAY OF DECEMBER

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