

Abid vs State of Kerala

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Court : Kerala

Decided On : Jan-23-2024

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.MC/148/2024

Appellant : ABID

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS
TUESDAY, THE 23RD DAY OF JANUARY 2024 / 3RD MAGHA, 1945 CRL.MC
NO. 148 OF 2024 CRIME NO.582/2016 OF NARAKKAL POLICE STATION,
ERNAKULAM IN C.C.NO.236/2017 OF JUDICIAL FIRST CLASS MAGISTRATE
COURT (TEMPORARY), NJARAKKAL

PETITIONERS/ACCUSED NOS. 1 TO 7: 1 ABID AGED 39 YEARS S/ O ABDUL
KADER, THAIPARAMBIL VEEDU. PUTHUVYPE,ERNAKULAM, PIN - 682508 2
KANNAN AGED 38 YEARS S/O PRAJNAN, KOTTICKAL VEEDU,
AYODYAPURAM, PUTHUVYPE,EMAKULAM, PIN - 682508 3 GAZAL K.A AGED
32 YEARS S/O ABU, PULIKKAPARAMBIL VEEDU,
AYODYAPURAM,PUTHUVYPE, 4 FAZIL AGED 29 YEARS S/O AZEEZ,

PALLIPARAMBIL HOUSE, 5 SHAJI AGED 27 YEARS -:2:- S/O NAVAS,
PALLIPARAMBIL HOUSE, 6 THANZEER AGED 26 YEARS S/ O SHAHEER,
THEPPUKALLINGAL VEEDU,

7 NADIRSHA AGED 28 YEARS S/O NOUSHAD, KUDILILPARAMBIL VEEDU,
SOUTH PUTHUVYPE, ERNAKULM, PIN - 682508

BY ADV MANSOOR.B.H. RESPONDENTS/COMPLAINANT/STATE: 1 STATE OF
KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM, PIN - 682031 2 STATION HOUSE OFFICER
NJARACKAL POLICE STATION, ERNAKULAM, PIN - 682503 3 JUDITH
ANTONY AGED 55 YEARS W/O ANTONY, ARACKAL HOUSE,
PUTHUVYPE,ERNAKULAM, PIN - 682508 BY ADV. SREEJA V., PUBLIC
PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 23.01.2024, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING: -:3:-

BECHU KURIAN THOMAS, J.

----- Dated this the 23rd
day of January, 2024

ORDER

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

2. Petitioners are accused 1 to 7 in C.C. No.236/2017 on the files of

the Judicial First Class Magistrate Court (Temporary), Njarackal, arising out of Crime No.582/2016 of Njarackal Police Station, registered for the offences under Sections 143, 147, 148, 448, 323, 506(ii) and 427 r/w Section 149 of the Indian Penal Code, 1860. Third respondents is the defacto complainant.

3. According to the prosecution, on 29.04.2016, the accused formed

themselves into an unlawful assembly and trespassed into the defacto complainants house and assaulted him and threatened his family members after damaging his property 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 -:4:- 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-B affidavit filed by the third 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.236/2017 on the files of the Judicial First Class Magistrate Court (Temporary), Njarackal, are quashed. This Crl.M.C is allowed as above. Sd/-
BECHU KURIAN THOMAS JUDGE Jka/19.01.24. -:5:- APPENDIX OF CRL.MC
148/2024 PETITIONERS ANNEXURES Annexure A COPY OF THE CHARGE
SHEET IN CRIME NO.582/2016 OF NJARACKAL POLICE STATION Annexure B

NOTARIZED AFFIDAVIT OF THE THIRD RESPONDENT

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