

Domanic vs State of Kerala

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Court : Kerala

Decided On : Jan-31-2024

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.MC/404/2024

Appellant : Domanic

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS WEDNESDAY, THE 31ST DAY OF JANUARY 2024 / 11TH MAGHA, 1945 CRIME NO.197/2013 OF Parassala Police Station, Thiruvananthapuram AGAINST THE ORDER/JUDGMENT IN SC 27/2015 OF ASSISTANT SESSIONS COURT/PRINCIPAL SUB COURT / COMMERCIAL COURT, THIRUVANANTHAPURAM PETITIONER/ACCUSED NO.1: DOMANIC AGED 56 YEARS S/O THOMAS, AISWARYA NAGAR, ST.PETERS NAGAR, NEAR GOVT. HOSPITAL, PARASSALA, THIRUVANANTHAPURAM, PIN - 695001 BY ADVS. M.R.SASITH NEELANJANA NAIR RESPONDENTS/STATE/DEFACTO COMPLAINANT:

1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031 2 SUDHAKARAN S/O
RAMAKRISHNA PANICKER, LEKSHMI NILAYAM, KUZHINJANVILA,
PARASSALA VILLAGE, NEYYATTINKARA TALUK,
THIRUVANANTHAPURAM., PIN - 695502 3 STATION HOUSE
OFFICER PARASSALA POLICE STATION, THIRUVAVANTHAPURAM,
PIN - 695502 R1 & R3 BY ADV. SRI. M.C. ASHI (PP) R2 BY ADV
REJINA R.THAJ THIS CRIMINAL MISC. CASE HAVING COME UP
FOR ADMISSION ON 31.01.2024, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

----- Crl.M.C. No. 404 of 2024
----- Dated this the 31st day of January, 2024

ORDER

Petitioner has invoked the jurisdiction under Section 482 of Code of Criminal Procedure, 1973 to quash all proceedings against him.

2. Petitioner is the 1st accused in S.C. No.27 of 2015 on

the files of the Assistant Sessions Court, Thiruvananthapuram, arising out of Crime No.197/2023 of Parassala Police Station, Thiruvananthapuram registered for the offences under Sections 323 and 308 r/w Section 34 of the Indian Penal Code, 1860. Second respondent is the defacto complainant.

3. According to the prosecution, on 10-02-2013 the accused had assaulted the defacto complainant with an iron rod and kicked him on the abdomen and thereby committed the offences alleged.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent, 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 affidavit filed by the 2 nd

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 petitioner in

S.C. No.27 of 2015 on the files of the Assistant Sessions Court, Thiruvananthapuram are quashed. This Crl.M.C is allowed as above. BECHU KURIAN THOMAS JUDGE AJM APPENDIX OF CRL.MC 404/2024 PETITIONER ANNEXURES Annexure A1 THE CERTIFIED COPY OF FIR IN CRIME NO.197/2013 OF PARASSALA POLICE STATION, THIRUVANANTHAPURAM Annexure A2 THE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 197/2013 OF PARASSALA POLICE STATION, THIRUVANANTHAPURAM Annexure A3 THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT RESPONDENTS ANNEXURES: NIL //TRUE COPY// PA TO JUDGE