

**Indrajith vs State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1293680](https://sooperkanoon.com/1293680)

**Court :** Kerala

**Decided On :** Feb-29-2024

**Judge :** Honourable Mr. Justice Bechu Kurian Thomas

**Appeal No. :** Crl.MC/3827/2023

**Appellant :** Indrajith

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS  
THURSDAY, THE 29TH DAY OF FEBRUARY 2024 / 10TH PHALGUNA, 1945  
CRIME NO.1529/2021 OF Sasthamcotta Police Station, Kollam AGAINST THE  
ORDER/JUDGMENT DATED IN CC NO.507 OF 2021 OF JUDICIAL FIRST  
CLASS MAGISTRATE COURT - II, SASTHAMCOTTA PETITIONERS/ACCUSED  
1 TO 4:

1 INDRAJITH AGED 26 YEARS S/O SUDEESH BABU, PALAZHI  
HOUSE, KUNNATHOOR VILLAGE, IVARKALA, SASTHAMKOTTA,  
KOLLAM, PIN - 690540 2 SUDEESH BABU AGED 59 YEARS S/O  
SADASIVAN , PALAZHI HOUSE, KUNNATHOOR VILLAGE, IVARKALA,

SASTHAMKOTTA, KOLLAM, PIN - 690540 3 BINDHU SUDEESH AGED 51 YEARS W/O SUDHEESH BABU, PALAZHI HOUSE, KUNNATHOOR VILLAGE, IVARKALA,SASTHAMKOTTA, KOLLAM, PIN - 690540 4 KRISHNA AGED 19 YEARS D/O SUDHEESH BABU, PALAZHI HOUSE, KUNNATHOOR VILLAGE, IVARKALA, SASTHAMKOTTA, KOLLAM, PIN - 690540 BY ADVS. VISHNU BHUVANENDRAN B.ANUSREE RESHMA UNNIKRISHNAN

RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 2 SURESH BABU S/O SADASIVAN, KALAYIL VEETIL, CHAKKALAMUKKU, KUNNAHOOR, IVARKALA KIZHAKKU, KOLLAM, PIN - 690540 BY ADVS. PUBLIC PROSECUTOR D.G.VIPIN DANIEL A.J.(K/000772/2020) MANISHA V.V(K/1250/2023) ANNA ROSE NAMBADAN(K/1574/2023) THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29.02.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**BECHU KURIAN THOMAS, J.**

----- Crl.M.C.No. 3827 of 2023  
----- Dated this the 29th day of February, 2024

## **ORDER**

Petitioners have invoked the jurisdiction under Section 482 of Code of Criminal Procedure, 1973 to quash all proceedings against them.

2. Petitioners are the accused in C.C.No. 507 of 20221

on the file of the Judicial First Class Magistrates Court, Sasthamcotta (Temporary), arising out of Crime No.1529 of 2021 of Sasthamcotta Police Station, Kollam, registered for the offences under Sections 323, 294(b)and 427 r/w Section 34 of the Indian Penal Code, 1860. Second respondent is the defacto complainant.

3. According to the prosecution, the accused had on 25-10-2021, abused the defacto complainant and assaulted him and thereby committed the offences

alleged.

4. Heard the learned counsel for the petitioners and the learned counsel for the respondent, 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-VII and Annexure-VIII

affidavits filed by the 2nd 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. 507 of 20221 on the file of the Judicial First Class Magistrates Court, Sasthamcotta (Temporary) are quashed. This Crl.M.C is allowed as above. Sd/-  
BECHU KURIAN THOMAS JUDGE AJM APPENDIX OF CRL.MC 3827/2023  
PETITIONER ANNEXURES Annexure-I CERTIFIED COPY OF THE FIR IN  
CRIME NO.1529/2021 DATED 01.11.2021 OF SASTHAMCOTTAH POLICE  
STATION, KOLLAM IS PRODUCED HERewith AND MAY BE MARKED AS

ANNEXURE-I. Annexure-II CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.1529/2021 DATED 21.11.2021 OF SASTHAMCOTTAH POLICE STATION, KOLLAM Annexure-III TRUE COPY OF THE COMPLAINT DATED 26.10.2021 PREFERRED BY THE 3RD PETITIONER BEFORE THE SASTHAMCOTTA POLICE STATION ALONG WITH ITS RECEIPT Annexure-IV TRUE COPY OF THE COMPLAINT SUBMITTED BY THE 1ST PETITIONER BEFORE THE SASTHAMCOTTA POLICE STATION ALONG WITH ITS RECEIPT DATED 28.10.2021

Annexure-v TRUE COPY OF THE FIR IN CRIME NO.1530/2021 OF SASTHAMCOTTA POLICE STATION, KOLLAM DATED 01.11.2023 Annexure-VI TRUE COPY OF THE MEDICAL CERTIFICATE OF THE 1ST PETITIONER ISSUED FROM TALUK HEADQUARTERS HOSPITAL, SASTHAMCOTTA Annexure-VII TRUE COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT DATED 23.11.2023. Annexure-VIII TRUE COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT'S WIFE (CW2 IN THE ABOVE CRIME) DATED 23.11.2023. TRUE COPY

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