

Nitheesh Shaji vs State of Kerala

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Court : Kerala

Decided On : Feb-29-2024

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.MC/823/2024

Appellant : Nitheesh Shaji

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.272/2017 OF Aluva Police Station, Ernakulam CC NO.404 OF 2017 OF JUDICIAL MAGISTRATE OF FIRST CLASS - I, ALUVA PETITIONER/ ACCUSED NO.3: NITHEESH SHAJI AGED 29 YEARS S/O SHAJI,CHEMBOLAPARAMBIL (H), CHEGAMANAD P.O., ALUVA, ERNAKULAM, PIN - 683578 BY ADVS. CHRISTINE MATHEW AISWARYA E J VETTIKOMPIL ABESH ALOSIOUS SEN C PUTHUPPARAMPIL RESPONDENT/ STATE AND DEFACTO COMPLAINANT :

1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031 2 REJIN JOSE AGED 26
YEARS S/O JOSE, RESIDING AT EZHUMALA HOUSE,
POOPARAMBA,ERUVESSI VILLAGE, TALIPARAMBA
TALUK,KANNUR DISTRICT, PIN - 670 141 SRI. M.C. ASHI, PUBLIC
PROSECUTOR ADV.ABEL ANTONY 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.823 of 2024 Dated this the 29th day of February, 2024

ORDER

Petitioner has invoked the jurisdiction under Section 482 Cr.P.C to quash all proceedings against him.

2. Petitioner is the accused in C.C. No.404 of 2017 on the files of

the Judicial Magistrate of First Class-I, Aluva, arising out of Crime No.272 of 2017 of Aluva Police Station, registered for the offences under Sections 341 and 323 r/w Section 34 of the Indian Penal Code, 1860. 2 nd respondent is the defacto complainant.

3. According to the prosecution, the accused had on 18.01.2017 wrongfully confined the defacto complainant and assaulted him 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 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 petitioner in C.C. No.404

of 2017 on the files of the Judicial Magistrate of First Class-I, Aluva are quashed. This Crl.M.C is allowed as above. Sd/- BECHU KURIAN THOMAS, JUDGE RKM
APPENDIX OF CRL.MC 823/2024 PETITIONER'S ANNEXURES : Annexure A1
THE CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN CRIME
NO.272 OF 2017 OF ALUVA POLICE STATION DATED 19.01.2017 Annexure A2
A CERTIFIED COPY OF THE CHARGE SHEET IN CRIME NO.272 OF 2017 OF
ALUVA POLICE STATION DATED 20.02.2017 Annexure A3 A DULY ATTESTED
AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT HEREIN DATED
10.01.2024 Annexure A4 TRUE COPY OF JUDGMENT IN CRL.M.C. NO. 5767
OF 2023 DATED 01.11.2023

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