

Aji vs State of Kerala

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Court : Kerala

Decided On : Mar-01-2024

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.MC/1474/2024

Appellant : AJI

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS FRIDAY, THE 1ST DAY OF MARCH 2024 / 11TH PHALGUNA, 1945 CRIME NO.1362/2023 OF Sasthamcotta Police Station, Kollam PETITIONERS/ ACCUSED NO.1 TO 4 :

1 AJI AGED 45 YEARS S/O MADHAVAN PILLAI, AJIBHAVANAM, MUTHUPILAKKADU WEST SASTHAMKOTTA, MUTHUPILAKKADU PO, KOLLAM (DIST), PIN - 690520 2 ANOOP M, AGED 23 YEARS, S/O MANIKUTTAN N THUNDIL, MUTHUPILAKKADU WEST, SASTHAMKOTTA PO, KOLLAM (DIST), PIN - 690 520 3 AMAL AGED 26 YEARS S/O REGHUNATHAN PILLAI,AMAL BHAVANAM,

MUTHU PILAKKADU EAST, SASTHAMKOTTA PO, KOLLAM (DIST), PIN
- 690520 4 VENU G, AGED 39 YEARS S/O
BALAN, KATTUMPURATHU, MUTHU PILAKKADU, SASTHAMKOTTA
PO, KOLLAM (DIST), BY ADV M. RAJESH

RESPONDENT/ COMPLAINANT :

1 STATE OF KERALA REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM, PIN - 682
031 2 THE INSPECTOR OF POLICE SASTHANCOTTAH POLICE
STATION, SASTHANCOTTAH PO, KOLLAM, PIN - 690 520 3
SANTHOSH KUMAR, AGED 42 YEARS, S/O KUNJIKRISHNA PILLAI,
ARACKAL PADINJAREPPURA VEEDU, MUTHUPILAKKADU WEST,
UTHUPILAKKADU PO, SASTHAMKOTTA, KOLLAM (DIST), 4
AJAYAKUMAR B AGED 48 YEARS S/O BHASKARA PILLAI,
PUNTHALA KIZHAKKATHIL, MUTHUPILAKKADU WEST,
MUTHUPILAKKADU PO, SASTHANKOTTAH, KOLLAM (DIST), BY ADV
C.R.JAYAKUMAR

SRI. M.C. ASHI, PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01.03.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

----- Crl.M.C.No.1474 of 2024 -----

==--==--== Dated this the 1st day of March, 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 4 in Crime No.1362 of 2023 of

Sasthamcotta Police Station, Kollam, registered for the offences under Sections 143, 148, 294(b), 341, 323 and 324 r/w Section 149 of the Indian Penal Code, 1860. 3rd respondent is the defacto complainant and the 4th respondent is the injured witness.

3. According to the prosecution, the accused had on 27.08.2023 formed themselves into an unlawful assembly and assaulted the defacto complainant and another person 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 offences alleged, no purpose would be served by continuing the proceedings.

6. Though the learned Public Prosecutor pointed out that the 2 nd

accused is involved in two other crimes, having regard to the circumstances arising in the case and the settlement arrived at between the parties, no purpose would be achieved by continuing the prosecution.

7. 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].

8. I have perused Annexure-2 and Annexure-3 affidavits filed by

respondents 3 and 4. The learned Public Prosecutor has submitted that upon verification, it is understood that the affidavits are genuine, and the defacto

complainant and the other deponents stand 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.

9. Accordingly, all proceedings against the petitioners in Crime

No.1362 of 2023 of Sasthamcotta Police Station, Kollam are quashed. This Crl.M.C is allowed as above. Sd/- BECHU KURIAN THOMAS, JUDGE RKM
APPENDIX OF CRL.MC 1474/2024 PETITIONERS' ANNEXURES : Annexure1
THE TRUE COPY OF THE FIR IN CRIME NO. Annexure2 AFFIDAVIT
SUBMITTED BY THE 3RD RESPONDENT DATED 09.02.2024 IS PRODUCED
HEREWITH AND MARKED AS ANNEXURE - 2 Annexure3 AFFIDAVIT
SUBMITTED BY THE 4TH RESPONDENT DATED 09.02.2024

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