

Krishna Dev P 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/1478/2024

Appellant : Krishna Dev P

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 CRL.MC NO. 1478 OF 2024 CRIME NO.243/2019 OF MELATTUR POLICE STATION, MALAPPURAM IN CC 13/2020 OF JUDICIAL MAGISTRATE OF FIRST CLASS - II, PERINTHALMANNA PETITIONER/ACCUSED: KRISHNA DEV P AGED 35 YEARS S/O. KRISHNANKUTTY, RESIDING AT THOTAPPASHERI HOUSE, KALIYANKAVU P O, MELAKALIYKAVUM, PERINTHALMANNA TALUK, MALAPPURAM DISTRICT, PIN - 676525 BY ADV P.ABDUL NISHAD RESPONDENTS/STATE & DEFACTO COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT

OF KERALA, ERNAKULAM, PIN - 682031 2 JAMALUDHEEN, AGED 44 YEARS S/O HASSAN, CHAYIYILPAISSERI HOUSE, VENGOOR P.O, VENGOORPALLIPADI, VETTATHUR VILLAGE, PERINTHALMANNA TALUK, MALAPPURAM DISTRICT, PIN - 679325 BY ADV. NAJMA THABSHEERA T -:2:- OTHER PRESENT: SMT. SREEJA V. PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29.02.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -:3:-

BECHU KURIAN THOMAS, J.

----- 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.13/2020 on the files of the

Judicial First Class Magistrate Court-II, Perinthalmanna, arising out of Crime No.243/2019 of Melattoor Police station, Malappuram District, registered for the offences under Sections 384 and 451 of the Indian Penal Code,

1860. 2nd respondent is the defacto complainant.

3. According to the prosecution, the accused had, on 12.11.2019,

committed extortion by threatening the defacto complainant with chats exchanged between them to be published on the social media platform and demanding money for not revealing the incident to anyone 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 -: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 A4 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.13/2020 on the files of the Judicial First Class Magistrate Court-II, Perinthalmanna, are quashed.

This Crl.M.C is allowed as above. Sd/- BECHU KURIAN THOMAS JUDGE
Jka/04.01.24. -:5:- APPENDIX OF CRL.MC 1478/2024 PETITIONERS
ANNEXURES Annexure A1 CERTIFIED COPY OF THE FIR IN CRIME NO.
14.11.2019 Annexure A2 CERTIFIED COPY OF THE FINAL REPORT FILED BY
THE POLICE BEFORE THE JFCM COURT-II, PERINTHALMANNA DATED
21.12.2019 Annexure A3 THE TRUE COPY OF THE MEMORANDUM OF
EVIDENCE IN CRIME NO. 243/2019 OF MELATTOOR POLICE STATION
DATED 21.12.2019 Annexure A4 THE TRUE COPY OF THE AFFIDAVIT OF THE
2ND RESPONDENT DATED 26.12.2023