

Ananthu 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/1507/2024

Appellant : Ananthu

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.1088/2023 OF Kuthiyathode Police Station, Alappuzha PETITIONERS/ ACCUSED 2 TO 5 : 1 ANANTHU AGED 29 YEARS S/O. SHAJI, MANIMANGALATH HOUSE, KUTHIATHODU PO, CHERTHALA, ALAPPUZHA, PIN - 688533 2 DHANESH AGED 22 YEARS S/O. LATE DWJENDRAKUMAR, MATHAPARAMBU NIKARTH, PATTUKULANGARA, KUTHIAKODE, CHERTHALA, PIN - 688533 3 YEDHU SHAJI AGED 26 YEARS S/O. SHAJI, MANIMANGALATH HOUSE, KUTHIATHODU PO, CHERTHALA, ALAPPUZHA, PIN - 688533 4 ANAND AGED 26 YEARS S/O.

MANIKANDAN, GIRIJA VIHAR, THURAVOOR PO, CHERTHALA, ALAPPUZHA, PIN - 688532 BY ADVS. ANOOP JOSEPH ZERENE LINDA MITCHEL ASWANI THUVVAKKADAN LIYA JOSE RESPONDENT/ STATE AND DEFECTO COMPLAINANT : 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.PIN, PIN - 682031 2 THE STATION HOUSE OFFICER KUTHIATHODE POLICE STATION, CHERTHALA, ALAPPUZHA, PIN - 688533 3 ANVIN ANTONY S/O. ANTONY, VELIYIL KOODARAPPALLY, KUTHIATHODE, THURAVOOR PO, CHERTHALA, ALAPPUZHA, PIN - 688532 BY ADV SURESH BABU V.C. SRI. NOUSHAD K.A., 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.1507 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 2 to 5 in Crime No.1088 of 2023 of

Kuthiyathode Police Station, Alappuzha, registered for the offences under Sections 143, 147, 148, 294(b), 323, 324 and 308 r/w Section 149 of the Indian Penal Code, 1860. The 3rd respondent is the defacto complainant.

3. According to the prosecution, the accused had on 25.12.2023 formed themselves into an unlawful assembly and assaulted the defacto complainant after abusing 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. Though the learned Public Prosecutor pointed out that the first

petitioner and the 3rd petitioner in the crime (Accused 2 and 4) have another criminal antecedents against them, having regard to the nature of offences alleged and the settlement arrived at between the parties, I am satisfied that 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 A3 affidavit filed by the 3rd 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.

9. Accordingly, all proceedings against the petitioners in Crime

No.1088 of 2023 of Kuthiyathode Police Station, Alappuzha are quashed. This Crl.M.C is allowed as above. Sd/- BECHU KURIAN THOMAS, JUDGE RKM
APPENDIX OF CRL.MC 1507/2024 PETITIONERS' ANNEXURES : Annexure A1
A CERTIFIED COPY OF THE FIR IN CRIME NO. POLICE STATION Annexure
A2 CERTIFIED COPY OF THE STATEMENT DATED 27.12.2023 SUBMITTED

BY THE SUB INSPECTOR OF POLICE, KUTHIATHODE POLICE STATION
BEFORE THE JFCM-I CHERTHALA ADDING THE NAME OF THE 4TH
PETITIONER HEREIN AS ACCUSED NO. 5 IN THE AFORESAID CRIME
Annexure A3 THE AFFIDAVIT DATED 07.02.2024 SIGNED BY THE 3RD
RESPONDENT/DEFACTO COMPLAINANT EXPRESSING HIS NO OBJECTION
TO QUASH THE ANNEXURE A1 FIR

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