

Rijo, 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/1511/2024

Appellant : RIJO,

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.1087/2023 OF Kuthiyathode Police Station, Alappuzha PETITIONERS/ ACCUSED 1, 2 AND 3 : 1 RIJO, AGED 35 YEARS S/O. JACOB, CHONGANTHARA HOUSE, THURAVOOR PO, ALAPPUZHA DISTRICT, PIN - 688532 2 LOOKACHAN @ LOOKA @ LUBIN PETER AGED 29 YEARS S/O. PETER, VALIYAVEETIL HOUSE, THURAVOOR PO, ALAPPUZHA DISTRICT, PIN - 688532 3 ALBIN ANTONY AGED 31 YEARS S/O. ANTONY, VELIYIL KODARAPPALLY, KUTHIATHODE, THURAVOOR PO, CHERTHALA, ALAPPUZHA, PIN - 688532 BY ADVS. ANOOP

JOSEPH ZERENE LINDA MITCHEL ASWANI THUVVAKKADAN LIYA
JOSE RESPONDENT/ STATE AND COMPLAINANT : 1 STATE OF
KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH
COURT OF KERALA, ERNAKULAM, PIN - 682031 2 THE STATION
HOUSE OFFICER, KUTHIATHODE POLICE STATION, CHERTHALA,
ALAPPUZHA, PIN - 688533 3 RAHUL, AGED 28 YEARS S/O.
MURALEEDHARAN, THANATT, KUTHIATHODE, THURAVOOR
PO, CHERTHALA, ALAPPUZHA, PIN - 688532 BY ADV SURESH BABU
V.C. 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.

----- CrI.M.C.No.1511 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, 2 and 3 in Crime No.1087 of 2023 of Kuthiyathode Police Station, Alappuzha, registered for the offences under Sections 323, 324, 341 and 326 r/w Section 34 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 assaulted the defacto complainant 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-2 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.

8. Accordingly, all proceedings against the petitioners in Crime

No.1087 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 1511/2024 PETITIONERS' ANNEXURES : Annexure 1 A
CERTIFIED COPY OF THE FIR IN CRIME NO. POLICE STATION Annexure 2
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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