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Petro David vs State of Kerala

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Court : Kerala

Decided On : Mar-11-2024

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.MC/1764/2024

Appellant : Petro David

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS MONDAY, THE 11TH DAY OF MARCH 2024 / 21ST PHALGUNA, 1945 CRIME NO.511/2019 OF Varappuzha Police Station, Ernakulam AGAINST THE ORDER/JUDGMENT DATED IN CC NO.708 OF 2019 OF JUDICIAL FIRST CLASS MAGISTRATE COURT- III, NORTH PARAVUR PETITIONER/S: PETRO DAVID AGED 33 YEARS S/O. N.P. DAVID, NADUVILAPPARAMBIL HOUSE, KURIZUMUTTOM BHAGOM, VARAPPUZHA, ERNAKULAM, PIN - 683517 BY ADVS. C.P.UDAYABHANU NAVANEETH.N.NATH RESPONDENT/S:

1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 2 PRAVEEN KUMAR AGED 49 YEARS S/O. CHAKRAPANI, KADEPPARAMBIL HOUSE, CHIRAKKAKAM KARA, VARAPPUZHA, ERNAKULAM, PIN - 683517 3 ASWIN PRAVEEN AGED 21 YEARS S/O.PRAVEEN KUMAR, KADEPPARAMBIL HOUSE, CHIRAKKAKAM KARA, VARAPPUZHA, ERNAKULAM, PIN - 683517 OTHER PRESENT: SRI. T.R. RANJITH (PP) THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 11.03.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

========== Crl.M.C.No.1764 of 2024 ========== Dated this the 11th day of March, 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.708/2019 on the files of

the Judicial First Class Magistrate Court-III, North Paravur arising out of Crime No.511/2019 of Varappuzha Police Station, Ernakulam District alleging offences punishable under Sections 324, 323, 326 and 294(b) of the Indian Penal Code, 1860. Respondents 2 and 3 are the defacto complainant and injured witness.

3. According to the prosecution, the accused had on

13.06.2019, drove a lorry in rash and overtook a Scooter and hit on the bycycle of the school going children and when this conduct was questioned by CW1, he was abused and assaulted with an iron rod sustaining fracture on the defacto complainants head 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 [(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 v. State of Punjab [(2014) 6 SCC 466] and Yogendra Yadav and Others v. State of Jharkhand and Another [(2014) 9 SCC 653].

7. I have perused Annexure A2 and Annexure A3 affidavits filed

> by respondents 2 and 3. The learned Public Prosecutor has submitted that upon verification, it is understood that the affidavits are genuine, and the defacto complainant and the other deponent 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.

8. Accordingly, all proceedings against the petitioner in C.C.No.708/2019 on the files of the Judicial First Class Magistrate Court-III, North Paravur are quashed. This Crl.M.C is allowed.

sd/ BECHU KURIAN THOMAS JUDGE jm/ APPENDIX OF CRL.MC 1764/2024 PETITIONER ANNEXURES Annexure 1 CERTIFIED COPY OF THE FINAL REPORT IN C.C. JFCM COURT-III, NORTH PARAVUR Annexure 2 THE

AFFIDAVIT SWORN BY CW1/R2 DATED Annexure 3 THE AFFIDAVIT SWORN BY CW2/R3 DATED

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