

Ambadi vs State of Kerala

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Court : Kerala

Decided On : Apr-04-2024

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.MC/1971/2024

Appellant : Ambadi

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS THURSDAY, THE 4TH DAY OF APRIL 2024 / 15TH CHAITHRA, CRL.MC NO. 1971 OF 2024 CRIME NO.6/2019 OF PUDUKKAD POLICE STATION, THRISSUR AGAINST THE ORDER/JUDGMENT DATED IN CC NO.446 OF 2019 OF JUDICIAL MAGISTRATE OF FIRST CLASS, IRINJALAKUDA PETITIONERS/ACCUSED 1 TO 11 : 1 AMBADI, AGED 29 YEARS

S/O. VIJAYAN MEPPURATHU HOUSE, AADHOOR DESOM, KALLUR VILLAGE, THRISSUR DISTRICT, PIN - 680 302. 2 SUBI, AGED 23 YEARS, S/O.SUBRAMANYAN, KUMBARAN HOUSE, SNEHAPURAM

DESOM, CHENGANALLOOR VILLAGE, MUKUNMDAPURAM TALUK, THRISSUR DISTRICT, PIN - 680 312. 3 AJITH, AGED 34 YEARS S/O.ASOKAN, ALUVAKKARAN HOUSE, PACHALIPPURAM DESOM, AMBALLOR VILLAGE, 4 PRADEEP @ ODIYAN, AGED 43 YEARS S/O.GOPALAN, KIZAKKOOTT HOUSE, PACHALIPURAM DESOM, AMBALLOOR VILLAGE, 5 RENJITH, AGED 29 YEARS S/O.CHANDRAN, KARYATTU HOUSE, PACHALIPURAM DESOM, AMBALLOOR VILLAGE, 6 PRAVEEN, AGED 32 YEARS S/O.PEETHAMBARAN, KOLLERI HOUSE, PACHALIPURAM DESOM, AMBALLOOR VILLAGE,

7 RAJEEV, AGED 38 YEARS S/O.PEETHAMBARAN, KARYATTU HOUSE, PACHALIPURAM DESOM, AMBALLOOR VILLAGE, THRISSUR DISTRICT- 680 301. 8 RAJESH, AGED 45 YEARS S/O. GOPALAKRISHNAN, ATTOOR HOUSE, TALAVANIKKARA DESOM, NENMANIKKARA VILLAGE, THRISSUR DISTRICT-680 301. 9 RAJESH, AGED 51 YEARS, S/O.KUNJERI, VADAKKEDATHU HOUSE, VALLACHIRA DESOM, VALLACHIRA VILLAGE, THRISSUR DISTRICT- 680 562. 10 VAISAKH, AGED 35 YEARS S/O.SIVADASAN, KOLANAGARA PARAMBIL HOUSE, PALLAM DESOM, PARAPOOKKARA VILLAGE, THRISSUR DISTRICT- 680 310. 11 CHANDRAN, AGED 56 YEARS S/O.NARAYANAN, THOTTIPARAMBIL HOUSE, NENMANIKKARA DESOM, NENMANIKKARA VILLAGE, MUKUNDAPURAM THRISSUR DISTRICT - 680 301

BY ADV N.L.BITTO RESPONDENTS/STATE AND DEFACTO COMPLAINANT : 1 STATE OF KERALA REP. BY THE SUB INSPECTOR OF POLICE, PUDUKKADU POLICE STATION, THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA AT ERNAKULAM, PIN - 682 031.

2 U.S.SREEBHOSH, AGED 43 YEARS S/O. U.K SARANGAN, SREEVALSAM, UTTUKULAM HOUSE, ERAVIMANGALAM DESOM, ERAVIMANGALAM VILLAGE, THRISSUR TALUK, THRISSUR

DISTRICT - 680 751. 3 SUNOJ, AGED 44 YEARS S/O. VASU, VAILOPPILLY HOUSE, VADAKKUMURI DESOM, VARANDARAPILLY VILLAGE, CHALAKUDY TALUK, THRISSUR DISTRICT, PIN - 680 303. 4 ABIN, AGED 25 YEARS S/O.SASI, CHINNANGATH HOUSE, ALENGADU DESOM, KALLUR VILLAGE, THRISSUR DISTRICT, PIN - 680 302. 5 YADHUKRISHNA, S/O SATHYAN, NEDUMBARAMBIL HOUSE, VATTANTHARA DESOM, AMBALLUR VILLAGE, BY ADV VINEETH V. -R2 - R5 SRI.ASHI M.C., PP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04.04.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: BECHU KURIAN THOMAS, J
..... CrI.M.C.No.1971 of 2024
..... Dated this the 4th day of April, 2024

ORDER

Petitioners have invoked the jurisdiction under Section 482 Cr.P.C to quash all proceedings against them.

2. Petitioners are accused Nos.1 to 11 in C.C.No.446/2019 on the files of

the Judicial First Class Magistrate Court, Irinjalakuda, arising out of Crime No.6/2019 of Pudukkad Police Station, registered for the offences punishable under Sections 341, 323, and 427 r/w Section 34 of the Indian Penal Code, 1860. The second respondent is the de facto complainant and respondents 3 to 5 are injured witnesses.

3. According to the prosecution, accused had, on 03.01.2019 formed

themselves into an unlawful assembly after restraining the de facto complainant, and assaulting them, causing damage to their camera worth Rs.1,500/-, thereby committing 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. 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-3 to Annexure-6 affidavits filed by the respondents 2 to 5. The learned Public Prosecutor has submitted that upon verification, it is understood that the affidavits are genuine, and the de facto complainant and 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.

8. Though the learned Public Prosecutor, upon instructions, submitted that, accused are all involved in several other crimes and that the first petitioner is involved in five crimes, I am of the view that considering the nature of allegations in the present case and the settlement arrived at between the parties, no purpose would be achieved by continuing the prosecution. Accordingly, all proceedings against the petitioners in C.C.No.446/2019 on the files of the Judicial First Class Magistrate Court, Irinjalakuda, are quashed. This CrI.M.C is allowed as above. sd/-
BECHU KURIAN THOMAS JUDGE AMV/08/04/2024 APPENDIX OF CRL.MC 1971/2024 PETITIONER ANNEXURES ANNEXURE1 A TRUE COPY OF THE FIR IN CRIME NO.06 OF 2019 OF THE PUDUKKAD POLICE STATION DATED ANNEXURE2 A TRUE COPY OF THE FINAL REPORT IN CRIME NO. 6 OF 2019 OF THE PUDUKKADU POLICE DATED ANNEXURE3 ORIGINAL AFFIDAVIT OF

THE 2ND RESPONDENT SREEBHOSH DATED 11/09/2023. ANNEXURE4 ORIGINAL AFFIDAVIT OF THE 3RD RESPONDENT SUNOJ DATED 11/09/2023. ANNEXURE5 ORIGINAL AFFIDAVIT OF THE 4TH RESPONDENT ABIN DATED 11/09/2023. ANNEXURE6 ORIGINAL AFFIDAVIT OF THE 5TH RESPONDENT YADHU DATED 06/06/2023. ANNEXURE7 A TRUE COPY OF THE ORDER IN CRL.MC.9201 OF 2023 HIGH COURT OF KERALA DATED 20/11/2023. TRUE COPY

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