

Naval vs State of Kerala

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Court : Kerala

Decided On : Apr-02-2024

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.MC/2552/2024

Appellant : NAVAL

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS
TUESDAY, THE 2ND DAY OF APRIL 2024 / 13TH CHAITHRA, 1946 CRIME
NO.383/2024 OF Ernakulam North Police Station, Ernakulam
PETITIONERS/ACCUSED 1 TO 3:

1 NAVAL S/O SAJEEVAN P.K, KRISHNA NIVAS HOUSE, MEMUNDA
PO, VADAKARA, CALICUT, PIN - 673104 2 PRANAV S/O PRADEEP,
KUTTIYIAL HOUSE, CHEMMARATHUR PO, VATAKARA, CALICUT,
PIN - 673104 3 SHEFIN YOUSUF AGED 41 YEARS S/O YOUSUF,
HASEENA MANZIL, KARYAKATT HOUSE, JANAKEEYA ROAD,
ELAMAKARA, ERNAKULAM, PIN - 682026 BY ADVS. K.JAYESH

MOHANKUMAR PUSHPARAJAN KODOTH VANDANA MENON VIMAL
VIJAY

RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 2 MUHAMMED SHAMAS @ MUHAMMED SHAHARAS. N AGED 22 YEARS S/O SHAMSUDHEEN, NALAKATH HOUSE, NEAR KUNJERI JUMA MASJID, KANILERI, MALOOR PANCHAYATH, THALASSERY, KANNUR, PIN - 670702 BY ADV REBIN VINCENT GRALAN OTHER PRESENT: SRI. M.C. ASHI (PP) THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 02.04.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

----- CrI.M.C. No. 2552 of 2024
----- Dated this the 2nd day of April, 2024

ORDER

Petitioners have invoked the jurisdiction under Section 482 of Code of Criminal Procedure, 1973 to quash all proceedings against them.

2. Petitioners are accused Nos. 1 to 3 in Crime No. 383 of

2024 of Ernakulam North Police Station, registered for the offences under Sections 294(b), 323, 342, 365 and 506 r/w Section 34 of the Indian Penal Code, 1860. Second respondent is the defacto complainant.

3. According to the prosecution, the accused had on 03-03-2024 abducted the defacto complainant and assaulted 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. 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 B 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. 383 of 2024 of Ernakulam North Police Station are quashed. This Crl.M.C is allowed as above. Sd/- BECHU KURIAN THOMAS JUDGE AJM
APPENDIX OF CRL.MC 2552/2024 PETITIONER ANNEXURES Annexure A A
TRUE COPY OF THE F.I.R. IN CRIME NO. 383/2024 OF ERNAKULAM TOWN
NORTH POLICE STATION, ERNAKULAM DISTRICT DATED 04.03.2024
Annexure B A TRUE COPY OF THE AFFIDAVIT DATED 09.03.2024 FILED BY
THE 2ND RESPONDENT TRUE COPY

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