

Binu vs State of Kerala

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Court : Kerala

Decided On : Jan-08-2024

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.MC/10587/2023

Appellant : Binu

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS MONDAY, THE 8TH DAY OF JANUARY 2024 / 18TH POUSHA, 1945 CRIME NO.87/2021 OF Vandanmedu Police Station, Idukki AGAINST THE ORDER/JUDGMENT CC 302/2021 OF JUDICIAL MAGISTRATE OF FIRST CLASS, NEDUMKANDOM PETITIONER/S: BINU AGED 48 YEARS S/O. BALAKRISHNAN, PANJALIL HOUSE, NAIRCITY BHAGAM, RAJAKKANDAM KARA, ANAKKARA VILLAGE, UDUMBANCHOLA TALUK, IDUKKI DISTRICT, PIN - 685551 BY ADVS. BASIL MATHEW THOMAS C.ABRAHAM RESPONDENT/S:

1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 2 ABHIJITH AGED 22 YEARS S/O BINU, PANJALIL HOUSE, NAIRCITY BHAGAM, RAJAKKANDAM KARA, ANAKKARA VILLAGE, UDUMBANCHOLA TALUK, IDUKKI DISTRICT, PIN - 685551 OTHER PRESENT: SMT. V. SREEJA (PP)/ SRI. BIJU ABRAHAM (FOR RESPONDENT) THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 08.01.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

===== Crl.M.C.No.10587 of 2023
----- Dated this the 8th day of
January 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.302/2021 on the files of the

Judicial First Class Magistrate Court, Nedumkandam arising out of Crime No.87/2021 of Vandanmedu Police Station registered for the offences under Sections 324 and 201 of the Indian Penal Code, 1860.

3. According to the prosecution, on 26.03.2021 the accused

stabbed with a knife on the right hand thumb of the 2nd respondent and thereby committed the offences under Sections 324 and 201 of the Indian Penal Code, 1860. The 2nd respondent is the defacto complainant.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent, apart from the learned Public Prosecutor.

4. 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.

5. 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].

6. I have perused Annexure A3 filed by the 2nd 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.

7. Accordingly, all proceedings against the petitioner in

C.C.No.302/2021 on the files of the Judicial First Class Magistrate Court-Nedumkandam are quashed. This CrI.M.C is allowed as above. BECHU KURIAN THOMAS JUDGE jm/ APPENDIX OF CRL.MC 10587/2023 PETITIONER ANNEXURES Annexure 1 TRUE COPY OF THE FIR IN CRIME NO. 87/2021 OF VANDANMEDU POLICE STATION Annexure 2 TRUE COPY OF THE FINAL REPORT IN CRIME NO. Annexure 3 ORIGINAL AFFIDAVIT DATED 23/11/2023 SWORN BY THE 2ND RESPONDENT

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