

Emmanuel vs State of Kerala

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Court : Kerala

Decided On : Feb-05-2024

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.MC/10814/2023

Appellant : Emmanuel

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS MONDAY, THE 5TH DAY OF FEBRUARY 2024 / 16TH MAGHA, 1945 CRIME NO.1078/2023 OF Kollam East Police Station, Kollam AGAINST THE ORDER/JUDGMENT CC 1924/2023 OF JUDICIAL MAGISTRATE OF FIRST CLASS -II, KOLLAM PETITIONER/S: EMMANUEL AGED 30 YEARS S/O. GABRIEL ANAND, TC 18/504, VADI KALLELI VAYAL PURAYIDOM, PALLITHOTTAM CHERRY, KOLLAM., PIN - 691006 BY ADV J.G.SYAMNATH RESPONDENT/S:

1 STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 2 SUB
INSPECTOR OF POLICE KOLLAM EAST POLICE STATION, KOLLAM.,
PIN - 691001 3 ABHILANAND AGED 37 YEARS S/O ANANDAN,
THODIYIL VEEDU, NEAR MAKRIYILLAKULAM, KALLUMTHAZHAM,
KILIKOLLOOR, KOLLAM., PIN - 691004 4 PRASHOB S. AGED 40
YEARS S/O SIVASANKARAPILLAI, KAVARIYIL,
VETTELATHAZHAMCHERRY, THRIKKOVILVATTOM VILLAGE,
KOLLAM., PIN - 691577

OTHER PRESENT: SRI. T.R. RANJITH (PP) THIS CRIMINAL MISC.
CASE HAVING COME UP FOR ADMISSION ON 05.02.2024, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

===== CrI.M.C.No.10814 of 2023
===== Dated this the 5th day of February, 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 Crime No.1078 of 2023 of Kollam

East Police Station, Kollam District, registered for the offences under Sections 511 and 379 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 20.07.2023, attempted to steal a motor bike and thereby committed the offences alleged.

4. Heard the learned Counsel for the petitioner and the learned Counsel for the respondents 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 A3 and Annexure A4 affidavits filed

by respondents 3 and 4. 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 Crime

No.1078 of 2023 of Kollam East Police Station, Kollam District are quashed. This Crl.M.C is allowed. sd/ BECHU KURIAN THOMAS JUDGE jm/ APPENDIX OF CRL.MC 10814/2023 PETITIONER ANNEXURES Annexure-A1 CERTIFIED COPY OF THE FIR NO.1078/2023 OF KOLLAM EAST POLICE STATION Annexure-A2 CERTIFIED COPY OF THE FINAL REPORT IN C.C. CLASS MAGISTRATE'S COURT-II, KOLLAM Annexure-A3 ORIGINAL COPY OF THE AFFIDAVIT EXECUTED BY THE 3RD RESPONDENT Annexure-A4 ORIGINAL COPY OF THE AFFIDAVIT EXECUTED BY THE 4TH RESPONDENT