

Anil Kumar vs State of Kerala

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Court : Kerala

Decided On : Jun-04-2024

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.MC/2921/2024

Appellant : Anil Kumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS
TUESDAY, THE 4TH DAY OF JUNE 2024 / 14TH JYAISHTA, 1946 CRL.MC NO.
2921 OF 2024 CRIME NO.956/2015 OF PERINGOME POLICE STATION,
KANNUR AGAINST THE ORDER/JUDGMENT DATED IN SC NO.180 OF 2017
OF ASSISTANT SESSIONS COURT/SUB COURT/COMMERCIAL COURT,
PAYYANNUR PETITIONERS/ACCUSED 1 TO 4:

1 ANIL KUMAR, AGED 49 YEARS, S/O NARAYANAN,
POORAKADAVATH (H), KUTTUR P.O, KANNUR DISTRICT., PIN -
670306 2 RANJITH P.M, AGED 40 YEARS S/O RAGHAVAN, MEEJALE
VEETIL (H), MATHAMANGALAM, ERAMAM P.O, PUNIYAMKODE,

KANNUR DISTRICT., PIN - 670307 3 SIJU M, AGED 40 YEARS, S/O GOVINDHAN, MUNDAYATT (H), ERAMAM P.O, KANNUR DISTRICT., PIN - 670307 4 MANOJ, AGED 45 YEARS, S/O KUNJIRAMAN, MUNDAYATT (H), KUTTUR AMSOM, KANNUR DISTRICT, PIN - 670306 BY ADVS. B.MUHAMMED SHAHEEL R.N.SANDEEP KEERTHI VIJAYAN JYOTHI R. NAIR

RESPONDENTS/STATE: 1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 2 MIDHILAJ, AGED 29 YEARS S/O ABDUL NASAR, MEETHILEAPURAYIL (H), ERAMAM P.O, MATHAMANGALAM, KANNUR DISTRICT, PIN - 670307. 3 AFTAB, AGED 29 YEARS S/O ABDULLA, SUHARA MANZIL, ERAMAM AMSOM, MATHAMANGALAM, KANNUR DISTRICT, PIN - 670307 4 FAHADH M.P, AGED 31 YEARS S/O ABDUL RAHEEM, FAHADH MAHAL, MEETHILEAPURAYIL (H), MATHAMANGALAM, ERAMAM AMSOM, KANNUR DISTRICT, PIN - 670307 BY ADV RANGEETH G.S. SREEJA V.(PP) THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04.06.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: BECHU KURIAN THOMAS, J
..... CrI.M.C.No.2921 of 2024
..... Dated this the 4th day of June, 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 4 in S.C.No.180/2017 on the files

of the Assistant Sessions Court, Payyannur, arising out of Crime No.956/2015 of Peringome Police Station, Kannur registered for the offences punishable under Sections 143, 147, 148, 341, 323, 324 and 308 r/w Section 149 of the Indian Penal Code, 1860. The second respondent is the de facto complainant and respondents 3 and 4 are injured witnesses.

3. According to the prosecution, accused had on 02.11.2015, formed themselves into an unlawful assembly and restrained the de facto complainant and his friends, and assaulted them, and thereby committed 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 Annexures-A2 to A4 affidavits filed by

respondents 2 to 4. 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. Accordingly, all proceedings against the petitioners in S.C.No.180/2017 on the files of the Assistant Sessions Court, Payyannur, are quashed. This Crl.M.C is allowed as above. sd/- BECHU KURIAN THOMAS JUDGE AMV/06/06/2024 APPENDIX OF CRL.MC 2921/2024 PETITIONER ANNEXURES ANNEXURE A1 THE CERTIFIED COPY OF THE FINAL REPORT IN

CRIME NO. 956/2015 OF PERINGOME POLICE STATION, KANNUR DISTRICT
PENDING BEFORE ASSISTANT SESSIONS COURT (SUB COURT),
PAYYANUR AS SC 180/2017 ANNEXURE A2 THE AFFIDAVITS SWORN BY
THE RESPONDENT NOS.2 EXPRESSING THEIR WILLINGNESS TO
ANNEXURE A3 THE AFFIDAVITS SWORN BY THE RESPONDENT NOS.3
EXPRESSING THEIR WILLINGNESS TO ANNEXURE A4 THE AFFIDAVITS
SWORN BY THE RESPONDENT NOS.4 EXPRESSING THEIR WILLINGNESS
TO TRUE COPY

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