

Tharakeswaran vs State of Kerala

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Court : Kerala

Decided On : Mar-22-2024

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.MC/11077/2023

Appellant : Tharakeswaran

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS
FRIDAY, THE 22ND DAY OF MARCH 2024 / 2ND CHAITHRA, 1946 CRL.MC
NO. 11077 OF 2023 CRIME NO.1646/2008 OF NORTH PARAVUR POLICE
STATION, ERNAKULAM IN CC NO.546 OF 2016 OF JUDICIAL MAGISTRATE
OF FIRST CLASS - I, NORTH PARAVUR

PETITIONERS/ACCUSED NOS. 1 TO 4: 1 THARAKESWARAN AGED 57 YEARS
S/O SIVANANDA MENON, ANANDA BHAVAN VEETIL, PERUMBADANNA
KARA, PARAVUR VILLAGE, ERNAKULAM., PIN - 683513 2 RAMESH D. KURUP
AGED 57 YEARS S/O DAMODARA KURUP, KARIYATH VEETIL,
NANTHIATTUKUNNAM, PARAVUR VILLAGE, ERNAKULAM., PIN - 683513 3
KANNAN AGED 49 YEARS S/O ANGAPPAN, KALLAMADATHIL VEETIL,

PERUMBADANNA KARA, EZHIKKARA VILLAGE, ERNAKULAM., PIN - 683513 4
HARISH AGED 44 YEARS S/O HARIDASAN, MADAPATTIL VEETIL,
KOONAMAVU BHAGOM, VALLUVALLI KARA, KOTTUVALLI VILLAGE,
ERNAKULAM., PIN - 683518 -:2:- BY ADVS. ASHIK K.MOHAMED ALI
MUHAMMED RIFA P.M. RESPONDENTS/STATE & DEFACTO COMPLAINANT:

1 STATE OF KERALA REPRESENTED BY THE STATION HOUSE OFFICER,
NORTH PARAVUR POLICE STATION, NORTH PARAVUR ERNAKULAM-
683513, (REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM)., PIN - 682031 2 N.A ALI AGED 81 YEARS S/O ABDUL
RAHIMAN, NADUVILEPARAMBIL, CANAL ROAD, PARAVUTHARA KARA,
NORTH PARAVUR, ERNAKULAM, PIN - 683513 BY ADV VISHNU V. NAIR
OTHER PRESENT: SMT. SREEJA V. PUBLIC PROSECUTOR THIS CRIMINAL
MISC. CASE HAVING COME UP FOR ADMISSION ON 22.03.2024, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING: -:3:-

BECHU KURIAN THOMAS, J.

----- Dated this the 22nd
day of March, 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 C.C.No.546/2016 on the

files of the Judicial First Class Magistrate Court-I, North Paravur, arising out of Crime No.1646/2008 of North Paravur Police Station, Ernakulam, registered for the offences under Sections 286, 506(i) and 294(b) r/w Section 34 of the Indian Penal Code, 1860. Second respondent is the defacto complainant.

3. According to the prosecution, the accused had, abused the defacto complainant and threatened 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 :-4:- 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-A3 affidavit filed by the second

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

C.C.No.546/2016 on the files of the Judicial First Class Magistrate Court-I, North Paravur, are quashed. This Crl.M.C is allowed as above. Sd/- BECHU KURIAN THOMAS JUDGE Jka/22.03.24 :-5:- APPENDIX OF CRL.MC 11077/2023 PETITIONERS ANNEXURES Annexure A1 TRUE COPY OF THE FIR IN CRIME NO. 1646 OF 2008 OF THE NORTH PARAVUR POLICE STATION ALONG WITH THE FI STATEMENT. Annexure A2 TRUE COPY OF THE CHARGE SHEET IN CC NO. 546 OF 2016 OF THE COURT OF THE JUDICIAL MAGISTRATE OF THE FIRST CLASS-I, NORTH PARAVUR. Annexure A3 AFFIDAVIT FILED BY

THE 2ND RESPONDENT.

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