

Abijith Pc vs State of Kerala

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Court : Kerala

Decided On : Jun-12-2024

Appeal No. : Crl.MC/3543/2024

Appellant : Abijith Pc

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS
WEDNESDAY, THE 12TH DAY OF JUNE 2024 / 22ND JYASHTA, 1946 CRL.MC
NO. 3543 OF 2024 CRIME NO.263/2024 OF VALAPPAD POLICE STATION,
THRISSUR PETITIONERS/ACCUSED NOS. 1 & 2: 1 ABIJITH PC AGED 41
YEARS S/O APPU, KANNAMBULLI HOUSE, KAZHIMBARAM, VALAPPAD,
THRISSUR DISTRICT, PIN - 680567. 2 ROSHAN V.S S/O SUNIL KUMAR,
VAZHAPPULLY, EDAMUTTAM, THRISSUR DISTRICT, PIN - 680568. BY ADVS.
T.K.SANDEEP SWETHA R.

RESPONDENTS/STATE/DEFACTO COMPLAINANT: 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN -
682031. 2 SAJAN AGED 45 YEARS S/O GOPALAN, KAREEPADATH HOUSE,
VALAPPAD VILLAGE, THRISSUR DISTRICT, PIN - 680567. ADV
HARIKRISHNAN P.B. - R2 SRI. ASHI M.C - PUBLIC PROSECUTOR THIS

CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12.06.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J CrI.M.C.No.3543 of 2024 Dated this the 12th 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 1 and 2 in Crime No.263/2024 of Valappad Police

Station, Thrissur registered for the offences punishable under Sections 341, 323 and 326 r/w Section 34 of the Indian Penal Code, 1860. The second respondent is the de facto complainant.

3. According to the prosecution, accused had on 17.03.2024 restrained the de facto complainant, and assaulted him inflicting grievous injuries 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-II 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 de facto 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. Accordingly, all proceedings against the petitioners in Crime No.263/2024 of Valappad Police Station, Thrissur are quashed. This Crl.M.C is allowed as above. sd/- BECHU KURIAN THOMAS JUDGE AMV/18/06/2024 APPENDIX OF CRL.MC 3543/2024 PETITIONER ANNEXURES Annexure I CERTIFIED COPY OF THE F.I.R. DATED 19.03.2024 ALONG WITH FIS IN CRIME NO.263/2024 OF VALAPPAD POLICE STATION, THRISSUR DIST. Annexure II ORIGINAL AFFIDAVIT SWORN IN BY THE 2ND RESPONDENT DATED 25.03.2024.

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