

Ringu Mohan vs State of Kerala

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Court : Kerala

Decided On : Jul-31-2024

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.MC/5116/2024

Appellant : Ringu Mohan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS
WEDNESDAY, THE 31ST DAY OF JULY 2024 / 9TH SRAVANA, 1946 CRL.MC
NO. 5116 OF 2024

CRIME NO.314/2004 OF VARKALA POLICE STATION,
THIRUVANANTHAPURAM PETITIONERS/ACCUSED NOS. 1 & 3 TO 8
(WRONGLY MENTIONED AS ACCUSED NOS. 1 TO 7: 1 RINGU MOHAN AGED
38 YEARS S/O S. MOHAN, RESIDING AT RINGU LAND, VENKULAM, EDAVA
P.O, 2 SHAHEEN SHA AGED 42 YEARS S/O MOHAMED SHAREEF, RESIDING
AT PARAMBIL VEEDU, ODAYAM, EDAVA P.O,

3 RENJITH .R, AGED 40 YEARS C/O RAVEENDRAN RESIDING AT PANANINNAVILA VEEDU, EDAVA P.O, THIRUVANANTHAPURAM DISTRICT, PIN - 695311 4 BINIL AGED 44 YEARS S/O BABU RESIDING AT OLIPPUVILA, NEAR RAILWAY STATION, EDAVA P.O, THIRUVANANTHAPURAM DISTRICT, PIN - 695311 5 SAJIN .S AGED 47 YEARS S/O SARASWATHY, RESIDING AT PORIKKANTEVILA, VENKULAM, EDAVA,

-:2:- 6 NADHEESH. R AGED 42 YEARS S/O RAMAN, PERICANT VILA, VENKULAM, EDAVA P.O, 7 SHIBU AGED 39 YEARS S/O DEVADASAN, ALUNINNATHIL VEEDU, VENKULAM, EDAVA P.O, BY ADVS. J.R.PREM NAVAZ PREETHA RANI M.S. SUMEEN S. MUHAMMED SWADIQ RESPONDENTS/STATE & DEFACTO COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031

2 BINU. B AGED 39 YEARS, S/O MANIYAMMA, RESIDING AT THOTTUMMUGAM CHARUVILA VEEDU, VENKULA DESOM EDAVA P.O, BY ADV. AJOY VENU OTHER PRESENT: SRI. NOUSHAD K. A. PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31.07.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -:3:-

BECHU KURIAN THOMAS, J.

----- Dated this the 31st day of July, 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 and 3 to 8 in Crime No.314/2004 of

Varkala Police Station, Thiruvananthapuram, registered for the offences under Sections 143, 147, 148 and 324 r/w Section 149 of the Indian Penal Code, 1860.

Second respondent is the defacto complainant.

3. According to the prosecution, the accused had, on 02.06.2024, formed themselves into an unlawful assembly and assaulted the defacto complainant, 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 -:4:- 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-A2 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 Crime

No.314/2004 of Varkala Police Station, Thiruvananthapuram, are quashed. This Crl.M.C is allowed as above. Sd/- BECHU KURIAN THOMAS JUDGE
Jka/31.07.24. -:5:- APPENDIX OF CRL.MC 5116/2024 PETITIONERS

ANNEXURES Annexure A1 THE CERTIFIED COPY OF THE FIR IN CRIME NO:
314 OF 2004 OF VARKALA POLICE STATION, THIRUVANANTHAPURAM
DISTRICT DATED 3/6/2004 Annexure A2 THE AFFIDAVIT, SOLEMNLY
AFFIRMED BY THE 2ND RESPONDENT/DEFACTO COMPLAINANT

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