

**Suneesh vs State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1329639](https://sooperkanoon.com/1329639)

**Court :** Kerala

**Decided On :** Nov-29-2024

**Judge :** Honourable Mr. Justice Bechu Kurian Thomas

**Appeal No. :** Crl.MC/9570/2024

**Appellant :** Suneesh

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS  
FRIDAY, THE 29TH DAY OF NOVEMBER 2024 / 8TH AGRAHAYANA, 1946  
CRL.MC NO. 9570 OF 2024 CRIME NO.952/2023 OF Cherthala Police Station,  
Alappuzha AGAINST THE ORDER/JUDGMENT DATED IN CC NO.963 OF 2024  
OF JUDICIAL MAGISTRATE OF FIRST CLASS -I, CHERTHALA  
PETITIONERS/ACCUSED NO.1 TO 3:

1 SUNEESH AGED 42 YEARS S/O. SURENDRAN, ACHU'S HOUSE,  
PATTANAKKAD.P.O., VAYALAR P/W 13, ALAPPUZHA DISTRICT,, PIN  
- 682031 2 RAJARAM B AGED 41 YEARS S/O. BALAGOPALAN,CMC-  
17, CHERTHALA P.O., CHERTHLA NORTH (PATH), CHERTHALA ,

ALAPPUZHA, PIN - 688524 3 RAHUL. AGED 43 YEARS S/O. SOMAN, NIKARATHIL , CMC-27, CHERTHALA P.O., CHERTHLA NORTH (PATH), CHERTHALA , ALAPPUZHA, PIN - 688524

BY ADVS. V.P.LACTISHA P.J.SHIJO RESPONDENTS/COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 CRL.MC NO. 9570 OF 2024 2 2 SUBARJITH, AGED 29 YEARS S/O SHANTHAPPAN, PADIKKEPPARAMBIL VEETIL THANNEERMUKKAM, VARANADU P.O, CHERTHALA, ALAPPUZHA DISTRICT, PIN - 688526 BY ADVS. AJITH P.C. SMT. SREEJA V (PP) THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29.11.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CRL.MC NO. 9570 OF 2024 3 BECHU KURIAN THOMAS, J ..... CrI.MC. No.9570 of 2024 ..... Dated this the 29th day of November, 2024

## **ORDER**

Petitioners have invoked the jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to quash all proceedings against them.

2. Petitioners are accused Nos.1 to 3 in C.C No.963/2024 on the files

of the Judicial First Class Magistrate Court-I, Cherthala, arising out of Crime No.952/2023 of Cherthala Police Station, Alappuzha, registered for the offences punishable under Sections 324 and 506(ii) read with Section 34 of the Indian Penal Code, 1860. Second respondent is the de facto complainant.

3. According to the prosecution, the accused had on 29.06.2023, threatened the defacto complainant and hit on the back of his head with an iron rod, 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 3 affidavit filed by the second respondent. The learned Public Prosecutor has submitted that upon verification, it is understood that the affidavit is genuine, and 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.

8. Accordingly, all proceedings against the petitioners in C.C

No.963/2024 on the files of the Judicial First Class Magistrate Court-I, Cherthala, are quashed. This CrI.M.C is allowed as above. Sd/- BECHU KURIAN THOMAS JUDGE AJ CRL.MC NO. 9570 OF 2024 5 APPENDIX OF CRL.MC 9570/2024 PETITIONER ANNEXURES Annexure 1 THE TRUE COPY OF THE FIR IN CRIME NO.952/2023 OF CHERTALA POLICE STATION, ALAPPUZHA DISTRICT DATED 04/07/2023 Annexure - 2 THE TRUE COPY OF THE FINAL REPORT IN CRIME NO.952/2023 OF CHERTALA POLICE STATION, ALAPPUZHA DISTRICT DATED 28/07/2023 Annexure 3 THE TRUE COPY OF THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT DATED 4TH DAY OF OCTOBER, 2024

No.963/2024 on the files of the Judicial First Class Magistrate Court-I, Cherthala, are quashed. This CrI.M.C is allowed as above. Sd/- BECHU KURIAN THOMAS JUDGE AJ CRL.MC NO. 9570 OF 2024 5 APPENDIX OF CRL.MC 9570/2024 PETITIONER ANNEXURES Annexure 1 THE TRUE COPY OF THE FIR IN CRIME NO.952/2023 OF CHERTALA POLICE STATION, ALAPPUZHA DISTRICT DATED 04/07/2023 Annexure - 2 THE TRUE COPY OF THE FINAL REPORT IN CRIME NO.952/2023 OF CHERTALA POLICE STATION, ALAPPUZHA DISTRICT DATED 28/07/2023 Annexure 3 THE TRUE COPY OF THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT DATED 4TH DAY OF OCTOBER, 2024

No.963/2024 on the files of the Judicial First Class Magistrate Court-I, Cherthala, are quashed. This CrI.M.C is allowed as above. Sd/- BECHU KURIAN THOMAS JUDGE AJ CRL.MC NO. 9570 OF 2024 5 APPENDIX OF CRL.MC 9570/2024 PETITIONER ANNEXURES Annexure 1 THE TRUE COPY OF THE FIR IN CRIME NO.952/2023 OF CHERTALA POLICE STATION, ALAPPUZHA DISTRICT DATED 04/07/2023 Annexure - 2 THE TRUE COPY OF THE FINAL REPORT IN CRIME NO.952/2023 OF CHERTALA POLICE STATION, ALAPPUZHA DISTRICT DATED 28/07/2023 Annexure 3 THE TRUE COPY OF THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT DATED 4TH DAY OF OCTOBER, 2024

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