

Vaisakh vs State of Kerala

Vaisakh vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1330740

Court : Kerala

Decided On : Jan-30-2023

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.MC/182/2023

Appellant : Vaisakh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS
MONDAY, THE 30TH DAY OF JANUARY 2023 / 10TH MAGHA, 1944 CRIME
NO.0220/2022 OF Mangalapuram Police Station, Thiruvananthapuram
PETITIONERS/ACCUSED 1 & 2: 1 VAISAKH AGED 21 YEARS S/O SUBASH,
KOCHALUMMOODU, MUDAPAPURAM DESHOM, KIZHUVILAM VILLAGE,
THIRUVANANTHAPURAM DISTRICT, PIN - 2 SHAMEER S/O SHANAVAS, S.S
MANZIL, BHAVANA JUNCTION. KETTICHARA DESHOM, KIZHUVILAM
VILLAGE, THIRUVANANTHAPURAM DISTRICT, PIN - 695104 BY ADVS.
P.ANOOP (MULAVANA) THANIMA S. RESPONDENTS/STATE/DEFACTO
COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 2

MIDHUN S S S/O SURESH KUMAR, M G BHAVAN, POTHENCODE P.O, AIYROORPARA VILLAGE, THIRUVANANTHAPURAM DISTRICT, PIN - 695584 BY ADV A.CHANDRA BABU PP-SREEJA V. THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30.01.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

----- Crl.M.C .No. 182 of 2023
----- Dated this the 30th day of January, 2023

ORDER

Petitioners have invoked the jurisdiction under Section 482 of Cr.P.C. to quash all proceedings against them.

2. Petitioners are accused Nos. 1 and 2 in C.C.No.257/2022 on the

files of the Judicial First Class Magistrate Court-II, Attingal, registered for the offences under Sections 341, 294(b) and 323 r/w Section 34 of the Indian Penal Code, 1860. 2 nd respondent is the defacto complainant. It is submitted that the matter has been settled and the criminal proceedings against the petitioners may be quashed.

3. Heard Adv.P.Anoop., the learned counsel for the petitioners and Adv.A.Chandra Babu, the learned counsel for the defacto complainant/2nd respondent apart from Smt.V.Sreeja, the learned Public Prosecutor.

4. In Gian Singh v. State of Punjab [(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 v. State of Punjab [(2014) 6 SCC 466] and Yogendra Yadav and Others v. State of Jharkhand and another [(2014) 9 SCC 653].

5. I have perused the Annexure-2 affidavit filed by defacto

complainant/2nd 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. The continuance of the proceedings will only be an exercise in futility. Further, there is no impediment for granting the prayer too. Accordingly, all proceedings against the petitioners in C.C.No.257/2022 on the files of the Judicial First Class Magistrate Court- II, Attingal are quashed. This CrI.M.C.is allowed. Sd/- BECHU KURIAN THOMAS JUDGE AJM/30/1/23 APPENDIX OF CRL.MC 182/2023 PETITIONER ANNEXURES Annexure1 TRUE COPY OF THE CHARGE SHEET IN CRIME NO. 220/2022 OF THE MANGALAPURAM POLICE STATION. Annexure2 TRUE COPY OF THE AFFIDAVIT FILED BY THE 2ND RESPONDENT. //TRUE COPY//

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com