

Robert vs State of Kerala

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Court : Kerala

Decided On : Feb-23-2023

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.MC/800/2023

Appellant : Robert

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS THURSDAY, THE 23RD DAY OF FEBRUARY 2023 / 4TH PHALGUNA, 1944 CRL.MC NO. 800 OF 2023 [TO QUASH ANNEXURE-A2 FIR IN CRIME NO.356/2021 OF MANNANCHERY POLICE STATION, ALAPPUZHA DISTRICT AND ANNEXURE-A3 FINAL REPORT IN C.C.NO.1274/2022 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ALAPUZHA WHICH AROSE FROM CRIME NO.356/2021 OF MANNANCHERY POLICE STATION, ALAPPUZHA DISTRICT AND ALL FURTHER CRIMINAL PROCEEDINGS THEREON AS AGAINST THE PETITIONERS] PETITIONERS/ACCUSED 1 & 2: 1 ROBERT, AGED 50 YEARS S/O

CLEETUS, MAVELITHAYYIL (HOUSE), MARARIKULAM SOUTH, PANCHAYAT WARD NO.15, PATHIRAPPALLY P.O., ALAPPUZHA DISTRICT - 688 521. 2 SHANI, AGED 47 YEARS W/O ROBERT, MAVELITHAYYIL (HOUSE), MARARIKULAM SOUTH, PANCHAYAT WARD NO.15, PATHIRAPPALLY P.O., ALAPPUZHA DISTRICT - 688 521. BY ADVS. JOSE ANTONY S.SHIV SHANKAR RESPONDENT/STATE, INVESTIGATING OFFICER & DEFACTO COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 031. 2 STATION HOUSE OFFICER MANNANCHERY POLICE STATION, MANNANCHERY P.O., ALAPPUZHA DISTRICT, PIN - 688 538. 3 JUSTIN, AGED 37 YEARS S/O BABY, ARAYASHERIL (HOUSE), THUMBOLI WARD, THUMBOLI P.O., ALAPPEY MUNICIPALITY, ALAPPUZHA DISTRICT, PIN - 688 008 ADV.C.P.ANIL RAJ PP SMT.SEETHA S, ADV.C.P ANIL RAJ THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 23.02.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: BECHU KURIAN THOMAS, J CrI.M.C.No.800 of 2023 Dated this the 23rd day of February, 2023

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 2 in C.C. No.1274/2022 on

the files of the Judicial First Class Magistrate Court-I, Alappuzha, arising out of Crime No.356/2021 of Mannanchery Police Station, Alappuzha; registered for the offences under Sections 323, 341, 506 r/w Section 34 of the Indian Penal Code, 1860. The 3rd respondent is the defacto complainant.

3. Heard the learned counsel for the petitioners and the learned counsel for the respondent, apart from the learned Public Prosecutor.

4. 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.

5. 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].

6. I have perused Annexure-A4 affidavit filed by the 3rd

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.

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

No.1274/2022 on the files of the Judicial First Class Magistrate Court-I, Alappuzha, arising out of Crime No.356/2021 of Mannanchery Police Station, Alappuzha; are quashed. This Crl.M.C is allowed as above. sd/- BECHU KURIAN THOMAS JUDGE AMV/25/02/2023 APPENDIX OF CRL.MC 800/2023 PETITIONER ANNEXURES Annexure A1 TRUE COPY OF THE COMPLAINT C.M.P.

NO.1379/2021 FILED BY THE 3RD RESPONDENT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ALAPPUZHA Annexure A2 CERTIFIED COPY OF THE F.I.R. IN CRIME NO.356/2021 OF MANNANCHERY POLICE STATION, ALAPPUZHA DISTRICT

DATED 8.7.2021 Annexure A3 CERTIFIED COPY OF THE FINAL REPORT IN C.C. NO.1274/2022 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT- I, ALAPPUZHA WHICH AROSE FROM CRIME NO.356/2021 OF MANNANCHERY POLICE STATION, ALAPPUZHA DISTRICT DATED 10.1.2022 Annexure A4 ORIGINAL AFFIDAVIT SWORN BY THE 3RD RESPONDENT DATED 20.1.2023

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