

Roy vs State of Kerala

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Court : Kerala

Decided On : Apr-05-2023

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.MC/4893/2021

Appellant : ROY

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS
WEDNESDAY, THE 5TH DAY OF APRIL 2023 / 15TH CHAITHRA, 1945 CRL.MC
NO. 4893 OF 2021 CRIME NO.994/2018 OF HILL PALACE POLICE STATION,
ERNAKULAM AGAINST THE ORDER/JUDGMENT CC 1029/2018 OF JUDICIAL
FIRST CLASS MAGISTRATE COURT, TRIPUNITHURA
PETITIONERS/ACCUSED NOS. 1& 2: 1 ROY, AGED 60 YEARS, S/O LATE
MATHAI, ATHANICKAL HOUSE, 2 ELDHO, AGED 26 YEARS S/O ROY,
ATHANICKAL HOUSE, BY ADV VARGHESE C.KURIAKOSE
RESPONDENTS/STATE & DEFACTO COMPLAINANT : 1 STATE OF KERALA
REP BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682
031. 2 THE STATION HOUSE OFFICER TRIPUNITHURA-682 301. 3 BABU,

AGED 62 YEARS, S/O MATHEWKUTTY, VALAYIL HOUSE, PERINGAL, PUTHUPPANAM, KOLENCHERRY, AIKKARANADU VILLAGE, KUNNATHUNADU TALUK, ERNAKULAM DISTRICT-682 340. BY ADV ABRAHAM K.JOHN THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 05.04.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: BECHU KURIAN THOMAS, J
Crl.M.C.No.4893 of 2021 Dated this the 5th day of April, 2023

ORDER

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

2. Petitioners are accused in C.C.No.1029/2018 on the files of the

Judicial First Class Magistrate Court, Tripunithura, arising out of Crime No.994/2018 of Hill Palace Police Station, registered for the offences under Sections 448, 341, 323, 294(b) 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-A9 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.1029/2018 on the files of the Judicial First Class Magistrate Court, Tripunithura, arising out of Crime No.994/2018 of Hill Palace Police Station, are quashed. The Criminal Miscellaneous case is allowed as above. sd/- BECHU KURIAN THOMAS JUDGE AMV/05/04/2023 APPENDIX OF CRL.MC 4893/2021 PETITIONER ANNEXURES ANNEXURE A1 TRUE PHOTOSTAT COPY OF THE AGREEMENT

DATED 25.4.2019 EXECUTED BETWEEN THE 1ST PETITIONER AND THE 3RD RESPONDENT ANNEXURE A2 TRUE PHOTOSTAT COPY OF THE FINAL REPORT IN CRIME NO 994/2018 ON THE FILES OF TRIPUNITHURA ANNEXURE A3 TRUE COPY OF THE DOWNLOADED VERSION OF THE JUDGMENT IN OS NO 736/2018 ON THE FILES OF MUNSIFFS COURT, ERNAKULAM

ANNEXURE A4 TRUE PHOTOSTAT COPY OF THE CASE DETAILS

DOWNLOADED FROM THE WEBSITE PERTAINING TO E-COURTS OF MUNSIFFS COURT, ERNAKULAM ANNEXURE A5 TRUE PHOTOSTAT COPY OF THE LAWYER NOTICE DATED 3.5.2021 ISSUED TO THE 3RD RESPONDENT AND HIS WIFE ANNEXURE A6 TRUE PHOTOSTAT COPY OF THE ACKNOWLEDGEMENT CARD SIGNED BY THE 3RD ANNEXURE A7 TRUE COPY OF THE ACKNOWLEDGEMENT CARD SIGNED BY THE WIFE OF THE 3RD

ANNEXURE A8 TRUE PHOTOSTAT COPY OF THE LAWYER NOTICE DATED 2.10.2021 ISSUED TO THE 3RD RESPONDENT AND HIS WIFE ANNEXURE A9 TRUE PHOTOSTAT COPY OF THE CONSENT AFFIDAVIT SIGNED AND DELIVERED FROM THE END OF THE 3RD RESPONDENT ATTESTED BY HIS COUNSEL.

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