

Arjun vs State of Kerala

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Court : Kerala

Decided On : Nov-01-2023

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Crl.MC/8196/2023

Appellant : ARJUN

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
WEDNESDAY, THE 1ST DAY OF NOVEMBER 2023 / 10TH
KARTHIKA, 1945 CRL.MC NO. 8196 OF 2023 CRIME NO.520/2023 OF
North Paravur Police Station, Ernakulam AGAINST THE
ORDER/JUDGMENT CC 520/2023 OF JUDICIAL MAGISTRATE OF
FIRST CLASS - I, NORTH PARAVUR PETITIONER/ACCUSED: ARJUN
AGED 20 YEARS S/O.ARUNKUMAR, PALLATH HOUSE,
CHITTATTUKARA, VADAKKEKARA VILLAGE, ERNAKULAM
DISTRICT, PIN - 683513 BY ADV M.S.BREEZ
RESPONDENTS/STATE/VICTIM: 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF

KERALA,ERNAKULAM, PIN - 682031 2 SWATHY JAYIN AGED 23 YEARS D/O.JAYIN P.R., PALLATH HOUSE, CHITTATTUKARA, VADAKKEKARA VILLAGE, ERNAKULAM DISTRICT, PIN - 683513 SRI G. SUDHEER (PP) SRI.K.R.RAJKUMAR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01.11.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CrI.M.C. NO.8196 OF 2023 2

ORDER

Petitioner is the sole accused in Crime No.520/2023 of North Paravur Police Station, Ernakulam District which is now pending as C.C.No.520 of 2023 before the Judicial First Class Magistrate Court-1, North Paravur. The petitioner faces allegation of having committed the offences punishable under Sections 427, 447, 506 and 294(b) of the Indian Penal Code.

2. The learned counsel appearing for the petitioner

would submit that all issues between the petitioner and the 2nd respondent have been settled. It is submitted that the allegation against the petitioner is that the petitioner trespassed into the courtyard of the house of the 2 nd respondent and caused damages to the windowpane and motor bike parked in the courtyard, using an iron rod and abused the 2nd respondent using filthy language. The learned counsel would submit that all issues between the petitioner and the 2nd respondent have been settled and they do not wish to continue with the prosecution in any

CrI.M.C. NO.8196 OF 2023 3 manner.

3. The learned Public Prosecutor and the learned

counsel appearing for the 2nd respondent would confirm that all issues between the petitioner and the 2nd respondent have been settled and they do not wish to

continue with the prosecution in any manner.

4. Having heard the learned counsel for the

petitioner, the learned Public Prosecutor and the learned counsel for the 2nd respondent, I am of the view that the proceedings against the petitioner can be terminated in exercise of the jurisdiction vested in this Court under Section 482 of Cr.P.C. No public interest will be served by continuing with the proceedings against the petitioner. The nature of the offences does not compel me to hold that the proceedings cannot be quashed on the ground of settlement. Keeping the principles laid down by the Supreme Court in *Gian Singh v. State of Punjab and Another*; [(2012) 10 SCC 303], and *State of Madhya Pradesh v. Laxmi Narayan and Others*; [(2019) 5 SCC

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688], I am of the view that considering the nature of the offences alleged against the petitioner the proceedings can be quashed on the basis of settlement. Accordingly, this Crl.M.C is allowed and all further proceedings in Crime No.520/2023 of North Paravur Police Station, Ernakulam District which is now pending as C.C.No.520 of 2023 before the Judicial First Class Magistrate Court-1, North Paravur, will stand quashed as against the petitioner.

Sd/- GOPINATH P. JUDGE SSK/01/11 Crl.M.C. NO.8196 OF 2023 5 APPENDIX OF CRL.MC 8196/2023 PETITIONER ANNEXURES Annexure - THE TRUE COPY OF THE F.I.R. DATED 07-06-2023 IN A1 CRIME NO.520/2023 OF NORTH PARAVUR POLICE STATION, ERNAKULAM Annexure - THE CERTIFIED COPY OF THE FINAL REPORT DATED 20-06- A2 2023 IN CRIME NO.520/2023 OF NORTH PARAVUR POLICE STATION Annexure - A TRUE COPY OF THE NOTARIZED AFFIDAVIT DATED 25-08- A3 2023 SWORN BY THE 2ND RESPONDENT