

Jishnu vs Public Prosecutor

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Court : Kerala

Decided On : Feb-22-2023

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.MC/9632/2022

Appellant : Jishnu

Respondent : Public Prosecutor

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS WEDNESDAY, THE 22ND DAY OF FEBRUARY 2023 / 3RD PHALGUNA, CRL.MC NO. 9632 OF 2022 IN C.C. NO.2359/2021 OF JUDICIAL MAGISTRATE OF FIRST CLASS , KODUNGALLUR PETITIONERS/ACCUSED PERSONS NO.1 TO 4: 1 JISHNU AGED 27 YEARS S/O. RENJITH, KAREPARAMBIL HOUSE, 2 SHREEJITH AGED 24 YEARS S/O. RENJITH, KAREPARAMBIL HOUSE, 3 AVINASH AGED 24 YEARS S/O. THAMBI, PULAYAKKAL HOUSE,

4 ADHARSH AGED 23 YEARS S/O. KISHOR, MARAKKATUPADI HOUSE, VALAPPAD VILLAGE, THRISSUR DISTRICT, PIN - 680567

BY ADV D.VIMAL DEV RESPONDENTS: STATE/THE 2ND AND 3RD
RESPONDENTS: 1 PUBLIC PROSECUTOR HIGH COURT OF
KERALA, ERNAKULAM, PIN - 682031 2 JITHIN AGED 30 YEARS S/O.
SUGATHAN, THOPPIL HOUSE, VALAPPAD VILLAGE, CHAVAKKAD
THALUK, THRISSUR DISTRICT, PIN - 680567 3 SHAHID AGED 28
YEARS S/O. HAMSA, PUDUVIGHAL HOUSE, CHAVAKKAD THALUK,
THRISSUR DISTRICT., PIN - 680566 BY ADV SYAM N.B. OTHER
PRESENT: SMT. SREEJA. V PUBLIC PROSECUTOR THIS CRIMINAL
MISC. CASE HAVING COME UP FOR ADMISSION ON 22.02.2023,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

===== Dated this the
22nd 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 to 4 in C.C. No.2359/2021 on

the files of the Judicial First Class Magistrate Court, Kodungallur, Thrissur, arising from Crime No.996/2021 of Valappad Police Station, Thrissur, registered for the offences under Sections 323 and 324 r/w section 34 of the Indian Penal Code, 1860. Respondents 2 and 3 are the defacto complainant and the injured witness.

3. Heard the learned counsel for the petitioners and the learned counsel for the respondents, 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 A3 and Annexure A4 affidavits filed

by respondents 2 and 3. The learned Public Prosecutor has submitted that upon verification, it is understood that the affidavits are genuine, and the defacto complainant and the other deponent stand 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.2359/2021 on the files of the Judicial First Class Magistrate Court, Kodungallur, are quashed. This Crl.M.C is allowed as above. Sd/- BECHU KURIAN THOMAS JUDGE jka/22.02.23. APPENDIX OF CRL.M.C. NO.9632/2022 PETITIONERS ANNEXURES Annexure A1 THE CERTIFIED COPY OF FIR NO 996 OF 2021 OF VALAPPAD POLICE STATION THRISSUR Annexure A2 THE CERTIFIED COPY OF THE FINAL REPORT IN CC NO 2359 OF 2021 OF JUDICIAL FIRST CLASS MAGISTRATE COURT KODUNGALLUR THRISSUR Annexure A3 THE AFFIDAVIT OF THE 2ND RESPONDENT Annexure A4 THE AFFIDAVIT OF THE 3RD RESPONDENT

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