

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

MONDAY, THE 29TH DAY OF JANUARY 2024 / 9TH MAGHA, 1945

CRL.MC NO. 3985 OF 2023

CRIME NO.119/2020 OF Medical College Police Station,

Thiruvananthapuram

CC 370/2020 OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE,

THIRUVANANTHAPURAM

PETITIONERS/ ACCUSED :

- 1 GOKUL R. ,
AGED 25 YEARS, S/O RAVINDRAN P,
KALAYATTUMOOLAYIL HOUSE,
PADINJATTUMURI, SOORANAD NORTH,
KOLLAM DISTRICT, PIN - 690 561
- 2 ANANTHAKRISHNAN,
AGED 23 YEARS, S/O RADHAKRISHNAN,
ANANDU BHAVAN, MARANADU POST,
PAVITHRESWARAM, KOTTARAKKARA,
KOLLAM DISTRICT, PIN - 691 505
- 3 AKHIL DEV,
AGED 24 YEARS, S/O BABU ANIL,
UTHRADAM, NEAR GOVERNMENT ARTS COLLEGE,
MEENCHANDA POST, KOZHIKODE DISTRICT,
PIN - 673 018
- 4 NIKHIL BABU,
AGED 24 YEARS, S/O BABU,
TC 76/986 (5) , SURYODAYAM,
S.K. LANE, KALLAMOODU,
ANAYARA POST, THIRUVANANTHAPURAM DISTRICT,
PIN - 695 029

BY ADVS.

G.P.SHINOD

GOVIND PADMANAABHAN

AJIT G ANJARLEKAR

ATUL MATHEWS

GAYATHRI S.B.

RESPONDENTS/ STATE AND DEFACTO COMPLAINANT :

- 1 STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR
AT THE HIGH COURT OF KERALA,
ERNAKULAM, PIN - 682 031
- 2 THE STATION HOUSE OFFICER,
OFFICE OF THE STATION HOUSE OFFICER,
MEDICAL COLLEGE POLICE STATION,
MEDICAL COLLEGE POST,
THIRUVANANTHAPURAM DISTRICT,
PIN - 695 011
- 3 YAMIN A MUHAMMED,
AGED 22 YEARS, S/O IQBAL A MUHAMMED,
AMBALATHU HOUSE, NEAR THCAUD NISKARA MOSQUE,
THYCAUD, THRISSUR DISTRICT,
PIN - 680 104

BY SRI.NOUSHAD K.A., PUBLIC PROSECUTOR

BY ADV R.S.ANANDAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
29.01.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

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Crl.M.C.No.3985 of 2023

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Dated this the 29th day of January, 2024

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.370 of 2020 on the files of the Additional Chief Judicial Magistrate, Thiruvananthapuram, arising out of Crime No.119 of 2020 of Medical College Police Station, Thiruvananthapuram, registered for the offences under Sections 294(b), 323, 324 and 506(i) r/w Section 34 of the Indian Penal Code, 1860. The 3rd respondent is the defacto complainant.

3. According to the prosecution, on 24.01.2020, the accused had abused the defacto complainant and assaulted him and thereby committed the offences alleged.

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

5. 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.

6. 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].

7. Though the learned Public Prosecutor pointed out that petitioners 1 and 2 have another criminal case against them, considering the nature of settlement arrived at between the parties and the circumstances in the case, I am of the view that no purpose would be achieved by continuing the prosecution.

8. I have perused Annexure-C 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.

9. Accordingly, all proceedings against the petitioners in C.C.No.370 of 2020 on the files of the Additional Chief Judicial Magistrate,

Thiruvananthapuram are quashed.

This Crl.M.C is allowed as above.

Sd/-

BECHU KURIAN THOMAS, JUDGE

RKM

APPENDIX OF CRL.MC 3985/2023

PETITIONERS' ANNEXURES :

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|------------|--------------------------------------------------------------------------------------------------------------|
| Annexure A | A COPY OF THE FIR IN CRIME NO: 119 OF 2020
OF MEDICAL COLLEGE POLICE STATION DATED
24.01.2020 |
| Annexure B | A COPY OF THE FINAL REPORT IN CRIME NO:
119 OF 2020 OF MEDICAL COLLEGE POLICE
STATION DATED 18.02.2020 |
| Annexure C | THE ORIGINAL AFFIDAVIT DATED 05.04.2023
SWORN TO BY THE DE FACTO COMPLAINANT/ 3RD
RESPONDENT |