

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

TUESDAY, THE 13<sup>TH</sup> DAY OF FEBRUARY 2024 / 24TH MAGHA, 1945

CRL.MC NO. 746 OF 2024

CRIME NO.499/2019 OF SREEKANDAPURAM POLICE STATION, KANNUR  
AGAINST THE ORDER/JUDGMENT IN SC 616/2021 OF ADDITIONAL DISTRICT  
COURT & SESSIONS COURT - III, THALASSERY

PETITIONERS/ACCUSED NOS.1,2 AND 4:

- 1      AKHIL.A.  
         AGED 31 YEARS  
         S/O. LAKSHMANAN NIDIYIL HOUSE, NEDEYENGA AMSOM,  
         CHEPPARAMBA, KANNUR DT., PIN - 670631
- 2      UMESH. N.A.  
         AGED 41 YEARS  
         S/O. GOVINDAN, NIDIYIL ARAYAKKEEL HOUSE, NEDEYENGA  
         AMSOM, CHEPPARAMBA, KANNUR DT, PIN - 670631
- 3      ASEEM  
         AGED 30 YEARS  
         S/O. MOIDEEN, KATTADATH HOUSE, SREEKANDAPURAM AMSOM,  
         ICHERY.P.O., NEDUNGOME, KANNUR DT, PIN - 670631  
         BY ADVS.  
         V.A.SATHEESH  
         V.T.MADHAVANUNNI

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

- 1      STATE OF KERALA  
         REPRESENTED BY PUBLIC PROSECUTOR,  
         HIGH COURT OF KERALA, PIN - 682031
- 2      ASWANI KUMAR SHARMA  
         AGED 44 YEARS  
         S/O. BALRAM SHARMA, L 7, GOLDEN TERRA LAYOUT,  
         KAMMASANDRA VILLAGE, BIDRA HALLI, BANGALORE, KARNATAKA,  
         PIN - 562107

OTHER PRESENT:

SRI. NOUSHAD K.A. (PP)  
SRI. M. VIVEK RABINDRANATH - R2

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
13.02.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**BECHU KURIAN THOMAS, J.**

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**CrI.M.C. No. 746 of 2024**

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**Dated this the 13<sup>th</sup> day of February, 2024**

**ORDER**

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

2. Petitioners are the accused in S.C. No.616 of 2021 on the files of the Additional District and Sessions Court-III, Thalassery arising out of Crime No. 499 of 2019 of Sreekandapuram Police Station, registered for the offences under Sections 365, 342 and 395 of the Indian Penal Code, 1860. 2<sup>nd</sup> respondent is the defacto complainant.

3. According to the prosecution, on 07.09.2019 the accused had wrongfully restrained the de facto complainant and also threatened to kill him and thereby committed the offences alleged.

4. Heard the learned counsel for the petitioners and the learned counsel for the respondents, 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. I have perused Annexure-A4 affidavit filed by 2<sup>nd</sup> 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.

8. Accordingly, all proceedings against the petitioners

**CRL.MC NO. 746 OF 2024**

**..4..**

in S.C. No.616 of 2021 on the files of the Additional District and Sessions Court-III, Thalassery are hereby quashed.

This Crl.M.C is allowed as above.

Sd/-

**BECHU KURIAN THOMAS  
JUDGE**

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**APPENDIX OF CRL.MC 746/2024**

**PETITIONER ANNEXURES :**

<b>ANNEXURE A1`</b>	<b>TRUE CERTIFIED COPY THE FIR IN CRIME NO. 499/2019 OF SREEKANDAPURAM POLICE STATION</b>
<b>ANNEXURE A2</b>	<b>ANNEXURE A2. TRUE CERTIFIED COPY OF FINAL REPORT IN CRIME NO. 499/2019 OF SREEKANDAPURAM POLICE STATION</b>
<b>ANNEXURE A3</b>	<b>TRUE CERTIFIED COPY THE MEMO OF EVIDENCE IN CRIME NO. 499/2019 OF SREEKANDAPURAM POLICE STATION</b>
<b>ANNEXURE A4</b>	<b>AFFIDAVIT OF RESPONDENT NO.2</b>

**// True Copy // PA To Judge**