

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

FRIDAY, THE 19TH DAY OF JANUARY 2024 / 29TH POUSHA, 1945

CRL.MC NO. 11298 OF 2023

CRIME NO.1920/2023 OF Sasthamcotta Police Station, Kollam

PETITIONER/S:

- 1 ATHUL RAJ
 AGED 29 YEARS
 S/O K. RAJAN, PEEDIKAYIL AYYATHU VEEDU, PALLISSERIKKAL,
 SASTHAMCOTTA VILLAGE, KUNNATHOOR THALUK, KOLLAM
 DISTRICT,, PIN - 690521
- 2 PRITHINRAJ
 AGED 29 YEARS
 S/O RAJAN, PREMA BHAVANAM, POIKA KUTTI MUKKU,
 PALLISSERIKKAL, SASTHAMCOTTA VILLAGE, KUNNATHOOR
 THALUK, KOLLAM DISTRICT,, PIN - 690521
 BY ADV P.V.DILEEP

RESPONDENT/S:

- 1 THE STATE OF KERALA
 REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF
 KERALA, ERNAKULAM., PIN - 682031
- 2 THE STATION HOUSE OFFICER
 SASTHAMCOTTA POLICE STATION, SASTHAMCOTTA P.O, KOLLAM
 DISTRICT., PIN - 690521
- 3 SAJITH
 AGED 36 YEARS
 S/O RAJENDRAN, PUTHUVANPURA VEEDU, CHINNAKKADA NAGAR 6,
 CANTONMENT NORTH, KOLLAM EAST, KOLLAM., PIN - 691001

OTHER PRESENT:

SRI. M.C. ASHI (PP)

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
19.01.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

BECHU KURIAN THOMAS, J.

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Crl.M.C.No.11298 of 2023

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Dated this the 19th 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 Crime No.1920/2023 of Sasthamcotta Police Station, Kollam, registered for the offences under Sections 294(b), 323, 324, 308 and 506 r/w 34 of the Indian Penal Code, 1860. The 3rd respondent is the defacto complainant.

3. According to the prosecution, on 02.11.2023 due to the previous enmity towards the defacto complainant, accused 1 to 3 assaulted them with stone 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. In **Gian Singh v. State of Punjab** [(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 v. State of Punjab** [(2014) 6 SCC 466] and **Yogendra Yadav and Others v. State of Jharkhand**

and Another [(2014) 9 SCC 653].

6. I have perused Annexure 2 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. The continuance of the proceedings will only be an exercise in futility. Further, there is no impediment for granting the prayer too.

7. Accordingly, all proceedings against the petitioners in Crime No.1920 of 2023 of Sasthamcotta Police Station, Kollam are quashed.

This CrI.M.C is allowed.

BECHU KURIAN THOMAS
JUDGE

jm/

APPENDIX OF CRL.MC 11298/2023

PETITIONER ANNEXURES

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| Annexure-1 | THE TRUE COPY OF THE F.I.R IN CRIME NO. 1920/2023 OF SASTHAMCOTTA POLICE STATION, KOLLAM DISTRICT. |
| Annexure-2 | A TRUE COPY OF THE NOTARIZED AFFIDAVIT FILED BY THE 3RD RESPONDENT. |
| Annexure-3 | THE TRUE COPY OF THE CITATION REPORTED IN 2022 (3) KHC 69 DATED 25.03.2022. |