

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

WEDNESDAY, THE 10TH DAY OF JULY 2024 / 19TH ASHADHA, 1946

CRL.MC NO. 5328 OF 2024

CRIME NO.0141/2022 OF Chevayur Police Station, Kozhikode
AGAINST THE ORDER/JUDGMENT DATED IN CC NO.890 OF 2022 OF JUDICIAL
MAGISTRATE OF FIRST CLASS -I,KOZHIKODE

PETITIONERS:

- 1 JIBIN K JOHN
AGED 26 YEARS
KIDARAKUZHIL (H),
KARIKKATTOOR P.O,
KARIMPANAKULAM,
MANIMALA,
KOTTAYAM, PIN - 686544
- 2 AMAN
AGED 23 YEARS
KAYARALAVAN HOUSE,
POOKOTH STREET, TALIPARAMBA PO, KANNUR, KERALA, PIN -
670141
- 3 MOHAMMED RAFI P. P
AGED 26 YEARS
PULIKKAPARAMBIL HOUSE,
POOKKOTTUR, POOKKOTTUR P.O,
MALAPPURAM, PIN - 676517
- 4 ASHIQUE EASWAR,
AGED 25 YEARS
KUTTIYIL HOUSE,
KUTTEMPEROOR P.O,
MANNAR,, PIN - 689623
- 5 VISHNU MADHAV
AGED 24 YEARS
MADHAVAM PUTHENVEEDU,
K. S. PURAM P.O,
PUTHIYAKAV,
KARUNAGAPPALLY, PIN - 690544
- 6 SOURAV S. R
AGED 24 YEARS
SIVAM (H), PEYAD, CITY GARDEN VILLA,
THIRUVANANTHAPURAM, PIN - 659973
- 7 MANU PAULSON K
AGED 26 YEARS
KALATHIPARAMBIL H,
ENKAKAD P O,
WADAKANCHERY,

- 8 THRISSUR, PIN - 680589
JAFIN RAJ J S
AGED 25 YEARS
J S RAJ VIHAR (H),
AYIRA P.O,
NEYATTINKARA,
THIRUVANANTHAPURAM,
PIN - 695502
- 9 SETHU S
AGED 24 YEARS
KALITHARAYIL HOUSE,
VADAKKUMTHALA WEST,
VADAKKUMTHALA PO,
KARUNAGAPPALLY,
KOLLAM, PIN - 690536
BY ADVS.
KAMAL ROY M.
SHILPA THRESIA M.A.
MARY GILLS DCOSTA
ADHITHYA K.

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
PIN - 682031
- 2 MUHAMMED RISHAD
AGED 23 YEARS
CHEMBALAKATTIL (H),
ARTHATT POST,
THRISSUR, KERALA,
PIN - 680521
BY ADV ASWIN KURIAKOSE

OTHER PRESENT:

SMT. SREEJA V (PP)

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 10.07.2024, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:

BECHU KURIAN THOMAS, J.

Crl.M.C. No. 5328 of 2024

Dated this the 10th day of July, 2024

ORDER

Petitioners have invoked the jurisdiction under Section 482 of Code of Criminal Procedure, 1973 to quash all proceedings against them.

2. Petitioners are accused 1 to 9 in C.C. No. 890 of 2022 on the files of the Judicial First Class Magistrate's Court-I, Kozhikode, arising out of Crime No. 141 of 2022 of Chevayur Police Station, Kozhikode, registered for the offences under Sections 143, 147, 148, 341, 323, 324 and 506 r/w Section 149 of the Indian Penal Code, 1860. Second respondent is the defacto complainant.

3. According to the prosecution, the accused had on 25-02-2022 formed themselves into an unlawful assembly and assaulted the defacto complainant 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. I have perused Annexure A3 affidavit filed by the 2nd 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 in C.C. No. 890 of 2022 on the files of the Judicial First Class Magistrate's Court-I, Kozhikode are quashed.

This CrI.M.C is allowed as above.

Sd/ -

BECHU KURIAN THOMAS
JUDGE

AJM

APPENDIX OF CRL.MC 5328/2024

PETITIONER ANNEXURES

Annexure A1	CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN CRIME NO. 141/2022 ON THE FILES OF CHEVAYOOR POLICE STATION
Annexure A2	CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 141/2022 OF CHEVAYOOR POLICE STATION AND TAKEN ON FILES OF C.C.NO.890/2024
Annexure A3	AN AFFIDAVIT SWORN IN BY THE 2ND RESPONDENT/DEFACTO COMPLAINANT