

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

FRIDAY, THE 17TH DAY OF MARCH 2023 / 26TH PHALGUNA, 1944

CRL.MC NO. 851 OF 2023

CRIME NO.728/2021 OF VIDYA NAGAR POLICE STATION, Kasaragod

CC 987/2021 OF JUDICIAL MAGISTRATE OF FIRST CLASS, KASARAGOD

PETITIONER/ ACCUSED :

IBRAHIMKUNJI. M. @ KHALEEL,
AGED 32 YEARS,
S/O.MUHAMMED, THIDUKANADAM HOUSE,
HIDAYATAH NAGAR, MUTTATHODI,
KASARAGOD, PIN - 671 123

BY ADVS.
I.V.PRAMOD
SAJEENA ABDU T.K.

RESPONDENT/ DEFACTO COMPLAINANT & STATE :

1 STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682 031

2 AJMAL IRSHAD A.,
AGED 20 YEARS,
S/O.IBRAHIM N.A.,
T.N MOOLA HOUSE, T.N MOOLA,
CHENKALA VILLAGE, KERALA,
KASARAGOD, PIN - 671 121

BY SMT.SREEJA V., PUBLIC PROSECUTOR
BY ADV.K.V.SASIDHARAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
17.03.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING :

BECHU KURIAN THOMAS, J.

CrI.M.C.No.851 of 2023

Dated this the 17th day of March, 2023

ORDER

Petitioner has invoked the jurisdiction under Section 482 Cr.P.C to quash all proceedings against him.

2. Petitioner is the accused in C.C. No.987/2021 on the files of the Judicial Magistrate of First Class-I, Kasaragod, registered for the offences under Sections 341, 448, 323, 324 and 506(i) r/w Section 34 of the Indian Penal Code, 1860. 2nd respondent is the defacto complainant.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent, apart from the learned Public Prosecutor.

4. The learned counsel for the petitioner submitted that the matter has been settled and hence the proceedings against the petitioner 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 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.

7. Accordingly, all proceedings against the petitioner in C.C. No.987/2021 on the files of the Judicial Magistrate of First Class-I, Kasaragod are quashed.

This Crl.M.C is allowed as above.

Sd/-

BECHU KURIAN THOMAS, JUDGE

RKM

APPENDIX OF CRL.MC 851/2023

PETITIONER'S ANNEXURES :

Annexure-A1 A CERTIFIED COPY OF THE FINAL REPORT IN
CRIME NO: 728/2021 DATED 09/11/2021 OF
VIDHYANAGAR POLICE STATION

Annexure-A2 MEMO OF EVIDENCE IN CRIME NO.728/2021
DATED 12.11.2021 OF VIDYANAGAR POLICE
STATION

Annexure-A3 AFFIDAVIT SWORN BY THE RESPONDENT DATED
21/01/2023