
(2021) 04 KL CK 0269

In the High Court Of Kerala

Case No : Criminal Miscellaneous Case No. 2229 Of 2021

Saratraj @Sarat And Ors

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 30-04-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 143, 147, 148, 149, 294(b), 308, 323, 324, 341

Citation : (2021) 04 KL CK 0269

Hon'ble Judges : C.S. Dias, J

Bench : Single Bench

Advocate : C.R. Jayakumar, Nobel Raju, S.K. Pradeep, Santhosh Peter

Final Decision : Allowed

Judgement

1. The petition is filed under Section 482 of the Code of Criminal Procedure.
2. The petitioners are the accused 1 to 5 in Crime No.999/2019 of the Sakthikulangara Police Station, Kollam District registered against them for offences punishable under Sections 143, 147, 148, 294(b), 341, 323, 324, 308 read with Sec.149 of the Indian Penal Code. Annexure A1 is the FIR and Annexure A2 is the final report filed by the Police before the Judicial First Class Magistrate Court-II, Kollam and numbered as CP 33/2020.
3. The prosecution allegation is that on 24.12.2019 the petitioners formed an unlawful assembly and the first petitioner hit the second respondent with an iron rod and the petitioners 3 to 5 punched the respondents 3 and 4 out of their previous animosity. Hence they have committed the above offences.
4. Heard the learned counsel appearing for the petitioners, the learned Public Prosecutor appearing for the respondents 1 and 2 and the learned counsel appearing for the respondents 3 and 4. Perused the records.

5. The learned counsel for the petitioners submitted that with the intervention of well-wishers, the subject matter in dispute between the petitioners and the respondents 3 and 4 has been settled out of Court.

6. The learned counsel appearing for the respondents 3 and 4 submitted that the respondents 3 and 4 have filed Annexures-A3 and A4 affidavits, inter alia, stating that they have no subsisting grievance against the petitioners and are no longer desirous of pursuing the matter any further as against the petitioners. The learned counsel vouched for the signature of the respondents 3 and 4 in Annexures-A3 and A4 affidavits.

7. The Police after investigation have incorporated Sec.308 of the Indian Penal Code as against the petitioners. On bestowing my anxious consideration to the final report and the other materials on record, it is found that no serious injuries have been caused to the respondents 3 and 4 in the alleged incident on 24.12.2019. The injuries that have been mentioned are only simple in nature, which does not attract the offence punishable under Sec.308 of the Indian Penal Code. All the other offences are compoundable falling within the fold of Sec.320 of the Code of Criminal

Procedure. Moreover, the respondents 3 and 4 have empathetically stated in Annexures A3 and A4 affidavits that they have no grievance against the petitioners and have no objection in Annexure A2 final report being quashed. There is no public interest involved in the above case.

8. The learned Public Prosecutor reported that the Investigating Officer has ascertained the genuineness of the settlement and that the respondents 3 and 4 have admitted the execution of Annexures-A3 and A4 affidavits. The State has no serious objection in the petition being allowed.

9. The Hon'ble Supreme Court in Gian Singh vs. State of Punjab [2012 (10) SCC 303] and Prabatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others vs. State of Gujarat and another [(2017) 9 SCC 641] has held that in facts and circumstances of a case and to secure the ends of justice, where the High Court is satisfied that an amicable settlement has been arrived between the parties and the offence is not serious in nature involving mental depravity, criminal proceedings may be quashed.

10. After considering the facts and circumstances of the case and on being convinced that ends of justice would justify the exercise of the inherent power of this Court, particularly since the alleged offences are not serious in

nature, no public interest is involved, the chances of conviction is remote, the continuation of the proceeding would only be wastage of judicial time and the settlement would augur harmony, I am satisfied that the petition is to be allowed.

In the result, the CrI.M.C is allowed. Annexure-A2 final report in Crime No.999/2019 of the Sakthikulangara Police Station, Kollam District and all further proceedings in CP No.33/2020 of the Judicial First Class Magistrate Court-II, Kollam as against the petitioners are quashed.