

(2024) 04 KL CK 0127

In the High Court Of Kerala

Case No : Criminal Miscellaneous Petition No. 2803 Of 2024

Tenson

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 12-04-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 34, 323, 341, 392

Citation : (2024) 04 KL CK 0127

Hon'ble Judges : Bechu Kurian Thomas, J

Bench : Single Bench

Advocate : Sebin Thomas, Amith.K.S, M.C. Ashi

Final Decision : Allowed

Judgement

Bechu Kurian Thomas, J

1. Petitioners have invoked the jurisdiction under Section 482 Cr.P.C to quash all proceedings against them.
2. Petitioners are accused Nos. 1 to 4 in C.C. No.256/2020 on the files of the Judicial First Class Magistrate Court, Kalamassery, arising out of Crime No.2220/2018 of Kalamassery Police Station, Ernakulam District, registered for the offences under Sections 341, 323 and 392 r/w Section 34 of the Indian Penal Code, 1860. Third respondent is the defacto complainant.
3. According to the prosecution, on 25.12.2018, the accused, with the intention to commit robbery, restrained the defacto complainant, assaulted him and robbed him of Rs.6,00/- and a gold chain worth more than Rs.30,000/- 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-II 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. 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.256/2020 on the files of the Judicial First Class Magistrate Court, Kalamassery, are quashed.

This Crl.M.C is allowed as above.