

(2024) 02 KL CK 0091

High Court Of Kerala

Case No: Criminal Miscellaneous Petition No. 557 Of 2024

Sunil Kumar K.K.Vs State Of Kerala

APPELLANT

Vs

RESPONDENT

Date of Decision: Feb. 12, 2024

Acts Referred:

- Code of Criminal Procedure, 1973 - Section 482
- Indian Penal Code, 1860 - Section 294(b), 323, 324, 341

Hon'ble Judges: Bechu Kurian Thomas, J

Bench: Single Bench

Advocate: Arun Kumar.P, Thiyyannoor Ramakrishnan, Ambika Radhakrishnan, Kavya Suresh, Noushad K.A

Final Decision: Allowed

Judgement

Bechu Kurian Thomas, J

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

2. Petitioner is the accused in C.C. No.536 of 2023 on the files of the Judicial Magistrate of First Class-I, Kothamangalam, arising out of Crime No.1319 of 2023 of Kothamangalam Police Station, Ernakulam, registered for the offences under Sections 341, 323, 324 and 294(b) of the Indian Penal Code, 1860. 2nd respondent is the defacto complainant.

3. According to the prosecution, on 27.08.2023, the accused had after restraining the defacto complainant abused and assaulted him thereby committed the offences alleged.

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

5. 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.

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-3 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 petitioner in C.C. No.536 of 2023 on the files of the Judicial Magistrate of First Class-I, Kothamangalam are quashed.

This Crl.M.C is allowed as above.