IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

WEDNESDAY, THE 21ST DAY OF OCTOBER 2020 / 29TH ASWINA, 1942

Crl.MC.No.3968 OF 2020(E)

CRIME NO.160/2020 OF Kilikolloor Police Station , Kollam

PETITIONERS:

1 DILEEP, AGED 36 YEARS
S/O.SASIDHARAN, RESIDING AT KALAYATH VEEDU,
PEROOR CHERI, KARIKODE P.O., KOTTAKARA VILLAGE,
KOLLAM DISTRICT.

2 SHYAMKUMAR, AGED 32 YEARS
S/O.BHASKARAN,
KALLAYATHU VEEDU, NEAR POURNAMI AUDITORIUM,
KUTTICHIRA, TKMC (PO), KOTTAMKARA, KOLLAM.

3 SUJITH,
AGED 29 YEARS
S/O.UNNI, KALLAYATHU VEEDU,
KUTTICHIRA, TKMC(PO), KOTTAMKARA, KOLLAM-691 005.

4 KANNAN,
S/O.UNNI, UNNI, KALLAYATHU VEEDU, KUTTICHIRA,
TKMC(PO), KOTTAMKARA, KOLLAM-691 005.

5 SUJI,
S/O.BALU UNNI, KALLAYATHU VEEDU, KUTTICHIRA,
TKMC(PO), KOTTAMKARA, KOLLAM-691 005.

6 ANIMON,
S/O.AYYAPPAN UNNI, KALLAYATHU VEEDU, KUTTICHIRA,
TKMC(PO), KOTTAMKARA, KOLLAM-691 005.

7 ANI @ KOCHANI,
S/O.PODIYAN, ANI BHAVAN, NEAR VAYALIL PUMP HOUSE,
KOTTAMKARA, KILIKOLLOOR.

8 SUNI @ TOOL SUNI,
SUNI BHAVAN, KILIKOLLOOR, KOLLAM.

BY ADV. SHRI.SAMEER M NAIR

RESPONDENTS:

1 STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2 SUB INSPECTOR OF POLICE
KILIKALLOR POLICE STATION,
KOLLAM DISTRICT.

3 BINULAL
AGED 46 YEARS
S/O.NELSON, RESIDING AT KALAYATH VEEDU,
PEROOR CHERI, KARIKODE P.O.,
KOTTAKARA VILLAGE, KOLLAM DISTRICT.

4 SALIM
AGED 36 YEARS
S/O.BASHEERKUTTY, RESIDING AT PEROOR CHERI,
THATTARKONAM P.O., KOLLAM DISTRICT.

5 DILEEP
AGED 36 YEARS
S/O.PRATAPAN,
RESIDING AT KALAYATH VEEDU, PEROOR CHERI,
KARIKODE P.O., KOTTAKARA VILLAGE,
KOLLAM DISTRICT.

R1 & R2 SRI.AMJAD ALI – PUBLIC PROSECUTOR
R3-5 BY ADV. ANSU VARGHESE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 21.10.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

O R D E R

Dated this the 21st day of October 2020

The petitioners are the accused in Crime No.160/2020 of Kilikallor Police Station, Kollam District. The above case is registered alleging the offences punishable under Sections 143, 147, 148, 341, 294(b), 324, 326 and 308 r/w 149 IPC.

2. When this case came up for consideration, the learned counsel for the petitioners submitted that the entire dispute between the petitioners and the victims in this case are settled out of court. The counsel submitted that even if the entire allegations in Annexure A1 are accepted, the offence under Section 308 IPC is not made out. The counsel submitted that only the offence under Section 324 IPC is made out. Now the entire dispute is settled between the parties.

3. A counsel appeared for the respondents 3 to 5. The counsel submitted that the matter is settled. Annexures A2 to A4 are the affidavits.

4. The learned Public Prosecutor after getting instruction from the investigating officer, submitted that, the settlement reported is correct.

5. Having considered the gravity of the offences alleged, nature of the injury caused and having perused the affidavit filed by the respondents 3 to 5, the contents of which are submitted to be true and voluntary, I am satisfied that the matter has been amicably settled and that no public interest is involved in this matter. Moreover, in view of the settlement arrived at between the parties, there is no possibility of the criminal proceedings ending in conviction. As such, continuance of the proceedings will amount to an abuse of process of court and hence, in view of the legal position set out by the Honourable Supreme Court in Madan Mohan Abbot v. State of Punjab [(2008) 4 SCC 582] and Gian Singh v. State of Punjab and another [(2012) 10 SCC 303], there is no impediment in granting the relief.

In the result, this Crl.M.C is allowed. Hence, all further proceedings in Crime No.160/2020 of Kilikallor Police Station is quashed.

Sd/-

P.V.KUNHIKRISHNAN

ab **JUDGE**

APPENDIX OF Crl.MC 3968/2020

PETITIONER'S/S EXHIBITS:

ANNEXURE A1	**THE TRUE COPY OF THE FIR IN CRIME NO.160/2020 OF KILIKOLLOOR POLICE STATION.**
ANNEXURE A2	**THE ORIGINAL AFFIDAVIT SWORN IN BY THE 3RD RESPONDENT.**
ANNEXURE A3	**THE ORIGINAL AFFIDAVIT SWORN IN BY THE 4TH RESPONDENT.**
ANNEXURE A4	**THE ORIGINAL AFFIDAVIT SWORN IN BY THE 4TH RESPONDENT.**

RESPONDENTS EXHIBITS : NIL

//TRUE COPY//

P.A TO JUDGE

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