IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 03RD DAY OF DECEMBER 2020 / 12TH AGRAHAYANA, 1942

Crl.MC.No.4835 OF 2020(D)

CRIME NO.994/2020 OF Kunnathunadu Police Station , Ernakulam

PETITIONERS:

1 SAJI,
AGED 52 YEARS
S/O. PATHROSE, PATTIKKATTIL HOUSE, VEETOOR, ERNAKULAM DISTRICT.

2 RAJESH ISSAC,
AGED 30 YEARS
PATTIKKATTIL HOUSE, VEETTOOR, ERNAKULAM DISTRICT.

3 BENNY
AGED 54 YEARS
KOOTTANPARAYIL HOUSE, VEETTOOR, ERNAKULAM DISTRICT.

4 BABU
AGED 45 YEARS
S/O. PATHROSE, KOOTTANPARAYIL HOUSE, VEETTOOR, ERNAKULAM DISTRICT.

5 BABY
AGED 45 YEARS
S/O. PATHROSE, KOOTTANPARAYIL HOUSE, VEETTOOR, ERNAKULAM DISTRICT.

6 BENOY
AGED 30 YEARS
S/O. BENNY, KOOTTANPARAYIL HOUSE, VEETTOOR, ERNAKULAM DISTRICT.

7 @JAISON
AGED 18 YEARS
S/O. BENNY, KOOTTANPARAYIL HOUSE, VEETTOOR, ERNAKULAM DISTRICT.
@CORRECTED AS BLASSON AS PER ORDER DATED 25/11/2020 IN CRL.M.A 2/2020 IN CRL.M.C 4835/2020.

8 BABU
PARAMADA HOUSE,
MUVATTUPUZHA,
ERNAKULAM DISTRICT.

BY ADV. SRI.T.A.UNNIKRISHNAN

RESPONDENT/S:

1 STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 031.

2 AJESH
AGED 35 YEARS
S/O. KRISHNANKUTTY, KANIYALAKUDIYIL HOSUE, VETTOOR KARA NELLAD, ERNAKULAM, PIN-686 669.

3 RANJITH
AGED 35 YEARS
S/O. RAJAN, CHALIL PUTHENPURAYIL HOUSE, LAKSHAMVEEDU COLONY, VEETTOORKARA, NELLAD, ERNAKULAM-686 669.

R2-3 BY ADV. SHRI.ARJUN KUMAR K.S.

SR.PP.C.S.HRITHWIK

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 03.12.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.G.ARUN, J.

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Crl.M.C.No.4835 of 2020
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Dated this the 3rd day of December, 2020

ORDER

Petitioners are the accused in Crime No.994 of 2020 registered at the Kunnathunadu Police Station for offences punishable under Sections 143, 147, 148, 341, 323, 325, 294(b) and 149 of IPC. The *de facto* complainant, at whose instance the crime was registered and the injured in the case are respondents 2 and 3 respectively. Annexure II affidavit has been filed by the 2nd respondent and Annexure III affidavit by the 3rd respondent stating that the dispute has been settled and that they have no subsisting grievance against the petitioners.

2. Heard the learned Public Prosecutor also, who, on instructions, submits that the petitioners have no criminal antecedents.

3. Having considered the gravity of the offences alleged, nature of the injury caused and having perused the affidavit filed by 2nd and 3rd respondents, the contents of which are submitted to be true and voluntary, I am satisfied that the dispute is settled and that no public interest is involved in this matter. Moreover, in view of the settlement, possibility of the criminal

proceedings ending in conviction is remote. 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 sought.

4. In the result, this Crl.M.C is allowed. The proceedings in Crime No.994 of 2020 registered at the Kunnathunadu Police Station is quashed.

Sd/-

V.G.ARUN
JUDGE

lgk

APPENDIX

PETITIONER'S/S EXHIBITS:

ANNEXURE I	**CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.994/2020 OF THE KUNNATHUNADU POLICE STATION.**
ANNEXURE II	**AFFIDAVIT OF THE 2ND RESPONDENT, DATED 27.10.2020.**
ANNEXURE III	**AFFIDAGIT OF THE 3RD RESPONDENT DATED 27.10.2020.**