IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

FRIDAY, THE 11TH DAY OF DECEMBER 2020 / 20TH AGRAHAYANA, 1942

Crl.MC.No.4969 OF 2020(A)

CRIME NO.129/2020 OF Town East Police Station , Thrissur

PETITIONER/ACCUSED NO.2:

ANOOP,
AGED 36 YEARS
PEON, FEDERAL BANK , KURAKANCHERY BRANCH, S/O. DIVAKARAN, PARAKKOT HOUSE,PANDARAPARAMBU, MUKKATTUKARA DESOM, OLLUKKARA VILLAGE,THRISSUR.

BY ADV. SRI.E.VIJIN KARTHIK

RESPONDENT/STATE AND DE FACTO COMPLAINANT AND OTHER INJURED/AGGRIEVED PERSONS:

1 **STATE OF KERALA**
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, 682031.

2 **SUB INSPECTOR OF POLICE,**
THRISSUR TOWN EAST POLICE STATION, THRISSUR DISTRICT - 680001.

3 **MANU,**
AGED 27 YEARS
S/O. ANILAN, CHULLIPARAMBIL HOUSE, PALAKKAL DESOM, PALISSERY VILLAGE, THRISSUR - 680027.

4 **AMAL C.A.,**
AGED 24 YEARS
S/O. ANILAN, CHULLIPARAMBIL HOUSE, PALAKKAL DESOM, PALISSERY VILLAGE, THRISSUR - 680027.

5 **VYSAKH C.P.**
S/O. PRAKASAN, CHULLIPARAMBIL HOUSE, PALAKKAL DESOM, PALISSERY VILLAGE, THRISSUR - 680027.

6 **SUDHEESH C.S.,**
AGED 32 YEARS
S/O. SUBASH, CHULLIYIL HOUSE, PALAKKAL DESOM, PALISSERY VILLAGE, THRISSUR – 680027.

7 ABHIL C.S.
AGED 25 YEARS
S/O. SATHYAN, CHULLIPARAMBIL HOUSE, PALAKKAL DESOM, PALISSERY VILLAGE, THRISSUR - 680027.

8 SAREESH O.
AGED 32 YEARS
S/O. SATHYABALAN, ORAYAMPURATH HOUSE, PALAKKAL DESOM, PALISSERY VILLAGE, THRISSUR - 680027.

R3-8 BY ADV. SRI.VISHNUPRASAD NAIR

OTHER PRESENT:

SR.PP.C.S.HRITHWIK

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 11.12.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 11th day of December 2020

Petitioner is the second accused in Crime No.129/2020 registered at the Town East Police Station, Thrissur for offences punishable under Sections 341, 323, 324, 308 and 506 r/w 34 of IPC. The *de facto* complainant and the other persons injured are arrayed as respondents 3 to 8. Annexures-A3 to A8 affidavits have been filed by the said respondents stating that the dispute, which was the reason for the incident and registration of the crime, has been resolved amicably and they have no subsisting grievance against the petitioner.

2. The petitioner had earlier filed Crl.M.C.No.3156/2020 along with the other accused.

3. The learned Public Prosecutor, after getting instructions had submitted that some of the co-

accused are history sheeters involved in other serious offences. Thereupon, the learned Counsel for the petitioner sought permission to withdraw the Criminal M.C. and to file Criminal M.C. on behalf of the second accused independently. It was submitted that the second accused happened to be among the others by chance and had no previous acquaintance with the other accused and had no criminal antecedents. The permission was granted and accordingly, this Criminal M.C.is filed.

4. Even though, piecemeal quashing of proceedings, at the instance of few among the accused, is not to be entertained, taking into consideration the submission made by the learned Counsel for the petitioner that the petitioner's job at the Federal Bank is at stake because of the criminal case and that he has no criminal antecedents, which

fact is vouched by the learned Public Prosecutor also, I am inclined to consider the prayer for quashing the proceedings.

5. Having considered the gravity of the offences alleged, nature of the injury caused and having perused the affidavit filed by respondents 3 to 8, the contents of which are submitted to be true and voluntary, I am satisfied that the dispute is settled and no public interest is involved in this matter. Moreover, in view of the settlement, possibility of the criminal proceedings against the petitioner ending in conviction is remote. As such, continuance of the proceedings against the petitioner 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.

In the result, this Crl.M.C is allowed. Annexure-2 FIR and the proceedings in Crime No.129/2020 registered at the Town East Police Station, Thrissur as against the petitioner is quashed.

Sd/-
V.G.ARUN
JUDGE

SB/11/12/2020

APPENDIX

PETITIONER'S/S EXHIBITS:

ANNEXURE A1	**TRUE COPY OF THE ORDER DATED 27.10.2020 IN CRL.M.C. NO.3156 OF 2020(D)**
ANNEXURE A2	**TRUE COPY OF THE FIR AND FIS IN CRIME NO. 129/2020 OF THRISSUR TOWN EAST POLICE STATION, THRISSUR DISTRICT.**
ANNEXURE A3	**AFFIDAVIT DATED 31.10.2020 SWORN BY RESPONDENT NO.3**
ANNEXURE A4	**AFFIDAVIT DATED 31.10.2020 SWORN BY RESPONDENT NO.4**
ANNEXURE A5	**AFFIDAVIT DATED 31.10.2020 SWORN BY RESPONDENT NO.5**
ANNEXURE A6	**AFFIDAVIT DATED 31.10.2020 SWORN BY RESPONDENT NO.6**
ANNEXURE A7	**AFFIDAVIT DATED 31.10.2020 SWORN BY RESPONDENT NO.7**
ANNEXURE A8	**AFFIDAVIT DATED 31.10.2020 SWORN BY RESPONDENT NO.8**

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