**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE MR.JUSTICE V.G.ARUN**

**FRIDAY, THE 04TH DAY OF DECEMBER 2020 / 13TH AGRAHAYANA, 1942**

**Crl.MC.No.4956 OF 2020(H)**

**AGAINST THE JUDGMENT IN CC 171/2018 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,HOSDRUG**

**CRIME NO.954/2017 OF Hosdurg Police Station , Kasargod**

**PETITIONER/ACCUSED:**

1 A.K.ISMAIL
AGED 33 YEARS
S/O. HASSAINAR, A.K.HOUSE, BALLA KADAPPURAM, NEAR VALIYA PALLI, BALLA VILLAGE, KANHANGAD P.O, KASARAGOD-671 321

2 JAFFER M.P,
AGED 30 YEARS
S/O. HASSAINAR, SHABIDA MANZIL, BALLA KADAPPURAM, BALLA VILLAGE, KANHANGAD P.O,KASARAGOD-671 321

3 MUHAMMED M.K,
AGED 27 YEARS
S/O. ISMAYIL M.K, ITTAMMAL HOUSE, NEAR MCBMALP SCHOOL, BALLA VILLAGE, KANHANGAD P.O,KASARAGOD-671 321.

4 UBAID K.K,
AGED 31 YEARS
S/O.ABDUL REHMAN, SHAMEENA MANZIL, BALLA KADAPPURAM, BALLA VILLAGE, KANHANGAD P.O, KASARAGOD-671 321

5 SUHAIL,
AGED 33 YEARS
S/O.MUHAMMED KUNJI, SUHAILA MANZIL,NEAR ITTUMMAL PALLI, BALLA KADAPPURAM, BALLA VILLAGE, KANHANGAD P.O, KASARAGOD-671 321

6 MUHAMMED SHAKIR M,
AGED 24 YEARS
S/O. A.V. ABDULLA, NEAR MCBMALP SCHOOL, BALLA VILLAGE, KANHANGAD P.O, KASARAGOD-671 321

7 HAKKIM H.L,
AGED 32 YEARS
S/O. SATHAR, ABDUL REHMAN HOUSE, BELLA KADAPPURAM,

BALLA VILLAGE, KANHANGAD P.O,KASARAGOD-671 321

BY ADV. SRI.P.K.SUBHASH

RESPONDENT/DE FACTO COMPLAINANT AND STATE:

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

2 JAHIDA C.H.
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 031

3 AFSAL @ HAFSAL C.H.
AGED 32 YEARS, S/O. ABDUL REHIMAN, RESIDING AT AFSAL MANZIL, ITTAMMAL, KOLAVAYAL, HOSDURG TALUK, KASARAGOD DISTRICT-671 315

R2-3 BY ADV. S.ANU

OTHER PRESENT:

SR.PP.AMJAD ALI

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04.12.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**ORDER**

**Dated this the 4th day of December 2020**

Petitioners are the accused in Crime No.954/2017 registered at the Hosdurg Police Station for offences punishable under Sections 143, 147, 341 and 323 r/w 149 of IPC, now pending as C.C.No.171/2018 on the file of the Judicial First Class Magistrate Court-I, Hosdurg. The *de facto* complainant and the other person injured are arrayed as respondents 2 and 3. Annexures-III and IV 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 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 affidavits filed by respondents 2 and 3, 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 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.

In the result, this Crl.M.C is allowed. The proceedings in C.C.No.171/2018 on the file of the Judicial First Class Magistrate Court-I, Hosdurg is quashed.

**Sd/-**
**V.G.ARUN**
**JUDGE**

SB/045/12/2020

# APPENDIX

**PETITIONER'S/S EXHIBITS:**

| | |
|---|---|
| **ANNEXURE AI** | **A TRUE COPY OF THE FIR IN CRIME NO. 954 OF 2017 OF HOSDURG POLICE STATION, KASARAGOD.** |
| **ANNEXURE AII** | **A TRUE COPY OF THE FINAL REPORT.** |
| **ANNEXURE AIII** | **A TRUE COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT.** |
| **ANNEXURE AIV** | **A TRUE COPY OF THE AFFIDAVIT OF THE 3RD RESPONDENT.** |

//true copy// P.A to Judge