IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

FRIDAY, THE 18TH DAY OF DECEMBER 2020 / 27TH AGRAHAYANA, 1942

Crl.MC.No.5328 OF 2020(E)

AGAINST THE JUDGMENT IN CC 1231/2019 OF JUDICIAL MAGISTRATE OF FIRST CLASS - I, CHALAKUDY

CRIME NO.522/2019 OF Vellikulangara Police Station , Thrissur

PETITIONER/ACCUSED:

1 K.L.JOY
AGED 46 YEARS
S/O. LONAPPAN, KOOTATY HOUSE, PONNAMBIYOLI DESOM,
KUTTICHIRA VILLAGE, THRISSUR DISTRICT-680 724

2 BAIJU,
AGED 43 YEARS
S/O. JOSE, CHAKYETH HOUSE, PONNAMBIYOLI DESOM,
KUTTICHIRA VILLAGE, THRISSUR DISTRICT-680 724

3 DAVIES
AGED 50 YEARS
S/O. ANTONY, PALATHINGAL HOUSE, PONNAMBIYOLI DESOM,
KUTTICHIRA VILLAGE, THRISSUR DISTRICT-680 724

4 ANTU,
AGED 54 YEARS
S/O.DEVASSY, KOOTATY HOUSE, PONAMBIYOLLI DESOM,
KUTTICHIRA VILLAGE, THRISSUR DISTRICT-680 724

5 DANTY
AGED 48 YEARS
S/O.OUSEPH, MADONA HOUSE, PONAMBIYOLLI DESOM,
KUTTICHIRA VILLAGE, THRISSUR DISTRICT-680 724

6 VARGHESE,
AGED 44 YEARS
S/O. KARIYAPPAN, KANNAMBILLY HOUSE, PONAMBIYOLLI
DESOM, KUTTICHIRA VILLAGE, THRISSUR DISTRICT-680 724

7 POLY
AGED 55 YEARS
S/O. KOCHUVARKEY, PARIYADEN HOUSE, PONAMBIYOLLI
DESOM, KUTTICHIRA VILLAGE, THRISSUR DISTRICT-680 724

8 JHONY

AGED 63 YEARS
S/O.LONAPPAN, PALISSERY HOUSE, PONAMBIYOLLI DESOM, KUTTICHIRA VILLAGE, THRISSUR DISTRICT-680 724

9 BENNY,
AGED 30 YEARS
S/O. THOMAS, KANJOOTHARA HOUSE, PONAMBIYOLLI DESOM, KUTTICHIRA VILLAGE, THRISSUR DISTRICT-680 724

10 JOY.C.K.
AGED 55 YEARS
S/O. KUNJUVAREETH, CHILLAYI HOUSE, PONAMBIYOLLI DESOM, KUTTICHIRA VILLAGE, THRISSUR DISTRICT-680 724

11 SHIJO MATTHEW
AGED 46 YEARS
S/O. MATTHEW, PERUMALAYIL HOUSE, HOUSE, PONNAMBIYOLLI DESOM, KUTTICHIRA VILLAGE, THRISSUR DISTRICT-680 724

12 GEORGE,
AGED 66 YEARS
S/O.KOCHAPPAN, PEENIKAPRAMBIL HOUSE, HOUSE, PONNAMBIYOLLI DESOM, KUTTICHIRA VILLAGE, THRISSUR DISTRICT-680 724

13 PRINCE
AGED 35 YEARS
S/O.FRANCIS,CHAKKOTHMOOD HOUSE, HOUSE, PONNAMBIYOLLI DESOM, KUTTICHIRA VILLAGE, THRISSUR DISTRICT-680 724

14 SURAG
AGED 35 YEARS
S/O.SUBRAMANIAN, PUSHPAKATH HOUSE, HOUSE, PONNAMBIYOLLI DESOM, KUTTICHIRA VILLAGE, THRISSUR DISTRICT-680 724

BY ADV. SHRI.RAPHAEL THEKKAN

RESPONDENT/STATE AND DE FACTO COMPLAINANT:

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

2 STATION HOUSE OFFICER,
VELLIKULANGARA POLICE STATION, THRISUR-680 684

3 SALESH SIVADASAN
AGED 29 YEARS
POTTAKKAL HOUSE, CHAIPPANKUZHY, KUTTICHIRA VILLAGE,
THRISSUR DISTRICT-680 724

R3 BY ADV. JITHIN BABU A

OTHER PRESENT:

PP SREEJA V.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18.12.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 18th day of December 2020

Petitioners are the accused in Crime No.522/2019 registered at the Vellikulangara Police Station for offences punishable under Sections 143, 147, 341 and 506 r/w 149 of IPC, now pending as C.C.No.1231/2019 on the files of the Judicial First Class Magistrate Court, Chalakudy. The *de facto* complainant, at whose instance the crime was registered, is arrayed as the 3rd respondent. Annexure-A3 affidavit has been filed by 3rd respondent stating that the dispute, which was the reason for the incident and registration of the crime, has been resolved amicably and he has 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 the 3rd respondent, 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.1231/2019 on the files of the Judicial First Class Magistrate Court, Chalakudy is quashed.

Sd/-
V.G.ARUN
JUDGE

SB/18/12/2020

APPENDIX

PETITIONER'S/S EXHIBITS:

ANNEXURE-A1	**TRUE COPY OF THE FIR IN CRIME NO.533/2019 DATED 23.09.2019 OF VELLIKULANGARA POLICE STATION, THRISSUR DISTRICT**
ANNEXURE-A2	**TRUE COPY OF THE FINAL REPORT IN CRIME NO.522/2019 DATED 23.09.2019 OF VELLIKULANGARA POLICE STATION, THRISSUR DISTRICT**
ANNEXURE-A3	**ORIGINAL OF THE AFFIDAVIT SWORN BY THE 3RD RESPONDENT DATED 07.07.2020**

//true copy// P.A to Judge