IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

TUESDAY, THE 01ST DAY OF DECEMBER 2020 / 10TH AGRAHAYANA, 1942

Crl.MC.No.5145 OF 2020(C)

CRIME NO.957/2020 OF Thaliparamba Police Station , Kannur

PETITIONER:

MOIDU @ MOIDEENKUTTY
AGED 37 YEARS
S/O KADEEJA, CHERIYANDILAKATH, HOUSE, KURUMATHUR
P.O.MUYYAM, KANNUR DISTRICT.

BY ADVS.
SRI.ZUBAIR PULIKKOOL
SHRI.SANTHOSH A.K

RESPONDENT/S:

1 **STATE OF KERLA,**
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERAALA, ERNAKULAM-695 001.

2 **ABOOBACKER CHERIYANDEERAKATH**
AGED 59 YEARS
S/O M.K.MAMMU, JAWANS MAHAL, VATAKKANCHERY,
KURUMATHUR, P.O.MUYYAM, KANNOOR DISTRICT-670 142.

R2 BY ADV. K.SEENA

SR.PP.C.S.HRITHWIK

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01.12.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.G.ARUN, J.

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Crl.M.C.No.5145 of 2020
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Dated this the 1st day of December, 2020

ORDER

Petitioners are the accused in Crime No.957 of 2020 registered at the Thaliparamba Police Station for offences punishable under Section 324 of IPC. The *de facto* complainant, at whose instance the crime was registered is the 2nd respondent. Annexure 2 affidavit has been filed by the 2nd respondent stating that the dispute has been settled and that 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 2nd respondent, 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.957 of 2020 registered at the Thaliparamba Police Station is quashed.

sd/-
V.G.ARUN
JUDGE

lgk

APPENDIX

PETITIONER'S/S EXHIBITS:

ANNEXURE 1	**THE TRUE COPY OF THE FIR WITH F I STATEMENT IN CRIME NO 957/20 OF THALIPPARAMBA POLICE STATION**
ANNEXURE 2	**SWORN AFFIDAVIT OF 2ND RESPONDENT**