IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

TUESDAY, THE 22ND DAY OF DECEMBER 2020 / 1ST POUSHA, 1942

Crl.MC.No.5192 OF 2020(H)

AGAINST THE ORDER/JUDGMENT IN CC 301/2020 OF JUDICIAL MAGISTRATE OF FIRST CLASS -II,HOSDRUG

CRIME NO.42/2020 OF Bekal Police Station , Kasargod

PETITIONER/S:

1 ALEEJ PALLIKKERE
AGED 39 YEARS
S/O IBRAHIM,
RESIDING AT KHALID MANZIL, MEETHALA MAVVAL,
PALLIKKERE,
KASARGOD DISTRICT

2 NASEER M
AGED 40 YEARS
S/O MUHAMMED KUNHI, RESIDING AT FIROS MANZIL, MAVVAL,
PALLIKKERE, KASARGOD DISTRICT.

BY ADVS.
SRI.ABDUL RAOOF PALLIPATH
SRI.K.R.AVINASH (KUNNATH)

RESPONDENT/S:

1 THE STATE OF KERALA
REPRESENTED BY STATION HOUSE OFFICER,
BEKKAL POLICE STATION, THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.

2 MUHAMMAD SHARIEF.M.K.
S/O MOIDEEN KUNHI,
RESIDING AT ALIF MAHAL, BEKKAL, PALLIKKERE, KASARGOD-671316.

3 HAMEEDA,AGED 32 YEARS
W/O MOHAMMED SHAREEF M K,
RESIDING AT B M MASTER HOUSE,
BEKAL PALLIKKARE, HOSDURG TALUK,
KASARGOD-671316.

R2-3 BY ADV. C.H.ABDUL RASAC

PP SREEJA V

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 22.12.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 22nd day of December 2020

Petitioners are the accused in Crime No.42/2020 registered at the Bekal Police Station for offences punishable under Sections 448, 341, 323, 427 and 506 r/w 34 of IPC, now pending as C.C.No.301/2020 on the files of the Judicial First Class Magistrate Court-II, Hosdurg. The *de facto* complainant, and the other person injured are arrayed as respondents 2 and 3. Annexures 2 and 3 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.301/2020 on the files of the Judicial First Class Magistrate Court-II, Hosdurg is quashed.

Sd/-
V.G.ARUN
JUDGE

SB/22/12/2020

APPENDIX

PETITIONER'S/S EXHIBITS:

ANNEXURE-1	**TRUE COPY OF THE FINAL REPORT WITH FIR IN CRIME NO.42/2020 OF BEKAL POLICE STATION.**
ANNEXURE-2	**TRUE COPY OF AFFIDAVIT SWORN BY THE 2ND RESPONDENT DATED 30.10.2020.**
ANNEXURE-3	**TRUE COPY OF THE AFFIDAVIT SWORN BY THE 3RD RESPONDENT DATED 30.10.2020.**

//true copy// P.A to Judge