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.5236 OF 2020(D)

CRIME NO.337/2020 OF Nilambur Police Station , Malappuram

PETITIONERS:

1 **VIJEESH**
AGED 31 YEARS
S/O.VELAYUDHAN,
KARIPARAMBAN HOUSE,
PATTARAKKA,
MUKKATTA P.O.,
NILAMBUR,
MALAPPURAM DISTRICT-679330.

2 **SUNESH,**
AGED 31 YEARS
S/O.NARAYANAN,
ANAPPAN HOUSE,
PATTARAKKA,
MUKKATTA P.O.,
NILAMBUR,
MALAPPURAM DISTRICT-679330.

BY ADVS.
SHRI.SUNIL KUMAR A.G
SRI.GEORGE MATHEW
SHRI.PRAVEEN S.
SHRI.MATHEW K.T.
SHRI.GEORGE K.V.

RESPONDENTS:

1 **STATE OF KERALA**
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.

2 **THE STATION HOUSE OFFICER,**
NILAMBUR POLICE STATION,
MALAPPURAM DISTRICT-679329,
THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM-682031.

3 SAVITHA,
AGED 35 YEARS
W/O.PRADEEP,
VALIYATHODY HOUSE,
PATTARAKKA,
RAMANKUTH P.O.,
NILAMBUR TALUK,
MALAPPURAM DISTRICT-679330.

R3 BY ADV. SRI.VINOD KUMAR.C

SR.PP.B.JAYASURYA

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

Petitioners are the accused in Crime No. 337 of 2020 registered at the Nilambur Polce Station for offences punishable under Sections 447, 506, 509 read with Section 34 of IPC. The *de facto* complainant, at whose instance the crime was registered is arrayed as the 3rd respondent. Annexure A-2 affidavit has been filed by 3rd respondent stating that the dispute, which led to registration of the crime, has been settled amicably and that he has no subsisting grievance in the matter.

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 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.

In the result, this Crl.M.C is allowed. The proceedings Annexure A1-FIR along with statement dated 22.06.2020 in Crime No.337 of 2020 of Nilambur Police Station is quashed.

Sd/-

V.G.ARUN

JUDGE

AJ/11.12.2020

APPENDIX

PETITIONER'S/S EXHIBITS:

ANNEXURE A1	**TRUE COPY OF THE FIRST INFORMATION REPORT(FIR) ALONG WITH STATEMENT DATED 22.06.2020 IN CR.NO.337 OF 2020 OF NILAMBUR POLICE STATION OF MALAPPURAM DISTRICT.**
ANNEXURE A2	**NOTARIZED AFFIDAVIT DATED 22.09.2020 OF 3RD RESPONDENT.**
ANNEXURE A3	**TRUE COPY OF AGREEMENT DATED 17.09.2020 ENTERED INTO BETWEEN 2ND PETITIONER AND 3RD RESPONDENT'S HUSBAND.**