IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

WEDNESDAY, THE 09TH DAY OF DECEMBER 2020 / 18TH AGRAHAYANA, 1942

Crl.MC.No.5280 OF 2020(H)

CC 57/2020 OF JUVENILE JUSTICE BOARD, PARAVANADUKKAM, KASARAGOD

CRIME NO.344/2018 OF Kumbla Police Station , Kasargod

PETITIONER/S:

MOHAMMED INAS
AGED 20 YEARS
S/O.K.P. IBRAHIM, THOUFEEQ MANZIL, KUKKAR,
MANGALPADY VILLAGE, KUMBALA, KASARGOD 671 324.

BY ADVS.
SRI.RAHUL SASI
SMT.NEETHU PREM

RESPONDENT/S:

1 **STATION HOUSE OFFICER**
KUMBALA POLICE STATION, KASARAGOD 671 321.

2 **MOIDEEN BATHISHA,**
AGED 33 YEARS
S/O. ABBAS,
RESIDING A T M.A. COTTAGE, AMBAR, MANGALPADY
P.O. KUMBALAM, KASARGOD 671 324.

3 **STATE OF KERALA,**
REPRESENTED BY PUBLIC PROSECUTE, HIGH COURT OF KERALA, ERNAKULAM 682 031.

OTHER PRESENT:

SR.PP.AMJAD ALI

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 09.12.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 09th day of December, 2020

Petitioner is the accused in Crime No.344 of 2018 registered at the Kumbla Police Station for offences punishable under Sections 452, 341, 323 and 324 r/w 34 of IPC, now pending as C.C.No.57 of 2020 on the files of the Juvenile Justice Board, Paravanadukkam, Kasargod. The *de facto* complainant, at whose instance the crime was registered, is arrayed as the second respondent. Annexure A3 affidavit has been filed by the second respondent stating that the dispute which led to registration of the crime, has been settled amicably and he has no subsisting grievance in the matter.

2. Heard the learned Public Prosecutor also,

who, on instructions, submits that the petitioner has 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 second 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 in C.C.No.57 of 2020 on the files of the Juvenile Justice Board, Paravanadukkam, Kasargod, is quashed.

sd/-
V.G.ARUN
JUDGE

Scl/09.12.2020

APPENDIX

PETITIONER'S/S EXHIBITS:

ANNEXURE A1	**THE TRUE COPY OF THE FIR IN CRIME NO. 344 OF 2018 OF KUMBALA POLICE STATION.**
ANNEXURE A2	**THE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 344 OF 2018 OF KUMBALA POLICE STATION.**
ANNEXURE A3	**AFFIDAVIT DATED 16.11.2020 SUBMITTED BY 2ND RESPONDENT.**