IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

FRIDAY, THE 04TH DAY OF DECEMBER 2020 / 13TH AGRAHAYANA, 1942

Crl.MC.No.7240 OF 2019(D)

CC 714/2018 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, PARAVUR

CRIME NO.413/2018 OF Chathannoor Police Station , Kollam

PETITIONER/S:

SASIKUMAR
AGED 39 YEARS
UTHRADAM, PALLIMON P. O.,
CHATHANNOOR, KOLLAM (DIST) - 691 576.

BY ADV. SRI.M.RAJESH

RESPONDENT/S:

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

2 **THE SUB INSPECTOR OF POLICE**
CHATHANNOOR POLICE STATION, KOLLAM - 691 572.

3 **JASSIM**
S/O. JALEEL, MACHUVEEDU, MYLAKKADU P. O.,
ADICHANALLOOR VILLAGE, KOLLAM (DIST) - 691 571.

R3 BY ADV. G.GOPAKUMAR (KOLLAM)

OTHER PRESENT:

SR.PP.AMJAD ALI

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04.12.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 4th day of December, 2020

Petitioners are the accused in Crime No.413 of 2018 registered at the Chathannoor Police Station for offences punishable under Sections 294 (b), 447 and 427 of IPC, now pending as C.C.No.714 of 2018 on the files of the Judicial First Class Magistrate Court (T), Paravur. The *de facto* complainant, at whose instance the crime was registered, is arrayed as the third respondent. Annexure-2 affidavit has been filed by the third respondent stating that the dispute which led to registration of the crime, has been settled amicably and she 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 third 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.714 of 2018 on the files of the Judicial First Class Magistrate Court (T), Paravur is quashed.

Sd/-

V.G.ARUN
JUDGE

Scl/04.12.2020

APPENDIX

PETITIONER'S/S EXHIBITS:

ANNEXURE 1	**A CERTIFIED COPY OF THE CHARGE SHEET IN CRIME NO.413/2018 OF PARAVOOR POLICE STATION, KOLLAM (DIST)**
ANNEXURE 2	**AN AFFIDAVIT DATED 14.10.2019 SUBMITTED BY THE 3RD RESPONDENT.**