IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 03RD DAY OF DECEMBER 2020 / 12TH AGRAHAYANA, 1942

Crl.MC.No.7474 OF 2019(D)

AGAINST THE JUDGMENT IN LP 54/2010 OF JUDICIAL MAGISTRATE OF FIRST CLASS ,CHAVAKKAD

CRIME NO.293/2006 OF Vadanappally Police Station , Thrissur

PETITIONERS:

1 KABEER
AGED 59 YEARS
S/O.AHAMMED,KARIPPAMKULAM HOUSE,
P.O.TALIKULAM,680569,THRISSUR DISTRICT.

2 MINERVA,
AGED 52 YEARS
D/O.KUNJI MOIDU,VALIYAKATH HOUSE,
EDASSERY DESOM,THALIKULAM VILLAGE,
THRISSUR DT.

BY ADV. SRI.A.HAROON RASHEED

RESPONDENTS:

1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.

2 P.K.MUSTAFFA
S/O.KUNJIBAVU,POKKAKKILLATHU HOUSE,
IRIMBRANELLUR DESOM,CHAVAKKAD TALUK,
THRISSUR DISTRICT,MANAGING PARTNER,
CHARUTHA JEWELLERS,VATANAPPALLY,
THRISSUR DISTRICT.

R2 BY ADV. C.R.REKHESH SHARMA

SR.PP.AMJAD ALI

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 03.12.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.G.ARUN, J.

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Crl.M.C.No.7474 of 2019
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Dated this the 3rd day of December, 2020

ORDER

Petitioners are the accused 2 and 3 in Crime No.293 of 2006 registered at the Vatanappally Police Station for the offence punishable under Section 420 of IPC, now pending as L.P.No.54 of 2010 of JFCM Court, Chavakkad. The *de facto* complainant, at whose instance the crime was registered is the 2nd respondent. Annexure E 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. As per Annexure F order dated 16.11.2011, further proceedings against accused 1 and 4 was quashed by this court.

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 offence 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, and especially taking into consideration that

the case against the other accused has been quashed as per Annexure F order of this court, 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.293 of 2006 of Vatanappally Police Station now pending as L.P.No.54 of 2010 JFCM Court, Chavakkad is quashed.

Sd/-

V.G.ARUN
JUDGE

lgk

APPENDIX

PETITIONER'S/S EXHIBITS:

ANNEXURE A	**TRUE COPY OF THE COMPLAINT**
ANNEXURE B	**TRUE COPY OF THE F.I.R.**
ANNEXURE C	**TRUE COPY OF THE CHARGE**
ANNEXURE D	**TRUE COPY OF THE AGREEMENT**
ANNEXURE E	**TRUE COPY OF THE AFFIDAVIT.**
ANNEXURE F	**TRUE COPY OF THE ORDER OF THIS HON'BLE COURT IN CRL.M.C.NO.3722 OF 2011,DATED 16.11.2011.**