IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 21ST DAY OF DECEMBER 2020 / 30TH AGRAHAYANA, 1942

Crl.MC.No.9050 OF 2019(A)

CP 18/2019 OF JUDICIAL MAGISTRATE OF FIRST CLASS -III,THRISSUR

CRIME NO.35/2019 OF AnthikadPolice Station , Thrissur

PETITIONER/S:

NAUSHAD V.U.,
AGED 37 YEARS
S/O.USMAN, VALIYAKATHU HOUSE, MUTTICHOOR DESOM, PADIYAM VILLAGE, PADIYAM P.O., THRISSUR, PIN -680 641.

BY ADV. SRI.ARUN ASHOK

RESPONDENT/S:

1 **THE STATE OF KERALA,**
REP. BY THE SUB INSPECTOR OF POLICE, ANTHIKKAD POLICE STATION, THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA AT ERNAKULAM.

2 **RINSHAD K.S.,**
AGED 25 YEARS
S/O.SHAMSUDHEEN, KARUPPAM VEETIL HOUSE, MUTTICHOOR DESOM, PADIYAM VILLAGE, PADIYAM P.O., THRISSUR, PIN - 680 641.

3 **RISWAN K.S.,**
AGED 31, S/O.SHAMSUDHEEN, KARUPPAM VEETIL HOUSE, MUTTICHOOR DESOM, PADIYAM VILLAGE, PADIYAM P.O., THRISSUR, PIN - 680 641.

4 **SHAMSUDHEEN,**
AGED 54, S/O.BAVA, KARUPPAM VEETIL HOUSE, MUTTICHOOR DESOM, PADIYAM VILLAGE, PADIYAM P.O., THRISSUR, PIN - 680 641.

5 RAHILA,
AGED 40, W/O.SHAMSUDHEEN, S/O.BAVA, KARUPPAM VEETIL HOUSE, MUTTICHOOR DESOM, PADIYAM VILLAGE, PADIYAM P.O., THRISSUR, PIN- 680 641.

R2-5 BY ADV. P.P.SANJU

OTHER PRESENT:

PP SREEJA V

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 21.12.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 21st day of December, 2020

Petitioner is the accused in Crime No.35 of 2019 registered at the Anthikkad Police Station for offences punishable under Sections 448, 436 and 427 of IPC, now pending as C.P.No.18 of 2019 on the files of the Judicial First Class Magistrate Court-III, Thrissur. The *de facto* complainant, at whose instance the crime was registered and the other injured persons, are arrayed as respondents 2 to 5. Annexures IV to VII affidavits have been filed by respondents 2 to 5 stating that the dispute which led to registration of the crime, has been settled amicably and they have 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 respondents 2 to 5, 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.P.No.18 of 2019 on the files of the Judicial First Class Magistrate Court-III, Thrissur is quashed.

Sd/-

V.G.ARUN
JUDGE

Scl/21.12.2020

APPENDIX

PETITIONER'S/S EXHIBITS:

ANNEXURE I	A CERTIFIED COPY OF THE FIR IN CRIME OF 35 OF 2019 OF THE ANTHIKKAD POLICE STATION DATED 11/01/2019.
ANNEXURE II	A CERTIFIED COPY OF THE FIS IN CRIME OF 35 OF 2019 OF THE ANTHIKKAD POLICE STATION DATED 11/01/2019.
ANNEXURE III	A CERTIFIED COPY OF THE FINAL REPORT DATED 28/05/2019.
ANNEXURE IV	A TRUE COPY OF THE AFFIDAVIT OF THE SECOND RESPONDENT DATED 10/01/2019.
ANNEXURE V	A TRUE COPY OF THE AFFIDAVIT OF THE THIRD RESPONDENT DATED 10/01/2019.
ANNEXURE VI	A TRUE COPY OF THE AFFIDAVIT OF THE FOURTH RESPONDENT DATED 10/01/2019.
ANNEXURE VII	A TRUE COPY OF THE AFFIDAVIT OF THE FIFTH RESPONDENT DATED 10/01/2019.