**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS**

**WEDNESDAY, THE 24TH DAY OF JULY 2024 / 2ND SRAVANA, 1946**

**CRL.MC NO. 5184 OF 2024**

**CRIME NO.223/2020 OF KOLATHUR POLICE STATION, MALAPPURAM**

**IN CC NO.333 OF 2020 OF JUDICIAL MAGISTRATE OF FIRST CLASS -I, PERINTHALMANNA**

**PETITIONERS/ACCUSED NOS.1 TO 6:**

1 MUHAMMED ASHRAF
AGED 47 YEARS
POTTACHOLA HOUSE,
MOORKKANAD P.O., MALAPPURAM, PIN – 679338

2 MUHAMMED RAFEEQ
AGED 30 YEARS
SON OF ABDUL RASHEED,
POTTACHOLA HOUSE, MOORKKANAD P.O.,
MALAPPURAM, PIN – 679338

3 MUHAMMED NISSAR
AGED 30 YEARS
SON OF MAMMU,
POTTACHOLA HOUSE, MOORKKANAD P.O.,
MALAPPURAM, PIN – 679338

4 FAZIL FIROZE
AGED 23 YEARS
SON OF SHERIFF,
POTTACHOLA HOUSE, MOORKKANAD P.O.,
MALAPPURAM, PIN – 679338

5 KAMARUSSAMAN
AGED 21 YEARS
SON OF MAMMU,
POTTACHOLA KANIYARAVIL HOUSE,
MOORKKANAD P.O., MALAPPURAM, PIN - 679338

**6 MUHAMMED NIZAM**
**AGED 20 YEARS**
**SON OF SHERIFF,**
**POTTACHOLA HOUSE, MOORKKANAD P.O.,**
**MALAPPURAM, PIN – 679338**

**BY ADVS.**
**P.K.NIJOY**
**C.PRABITHA**
**REJOICE B.CHEMBAKASSERIL**

**RESPONDENTS/STATE, DEFACTO COMPLAINANT & INJURED:**

**1 STATE OF KERALA**
**REPRESENTED BY PUBLIC PROSECUTOR,**
**HIGH COURT OF KERALA, PIN – 682031**

**2 RAIHANATH**
**AGED 45 YEARS**
**WIFE OF LATE KUNHIMUHAMMED, POTTACHOLA**
**KANIYARAVIL HOUSE, POTTACHOLA,**
**MOORKKANAD P.O., PERINTHALMANNA,**
**MALAPPURAM, PIN – 679338**

**3 THAFSEERA**
**AGED 26 YEARS**
**DAUGHTER OF LATE KUNHIMUHAMMED,**
**POTTACHOLA KANIYARAVIL HOUSE,**
**POTTACHOLA, MOORKKANAD P.O.,**
**PERINTHALMANNA, MALAPPURAM, PIN – 679338**

**4 MOYIN**
**AGED 58 YEARS**
**SON OF MUHAMMED, AYYAPPANKANDATHIL HOUSE,**
**KURUVAMBALAM P.O., PULAMANTHOLE, PERINTHALMANNA,**
**MALAPPURAM, PIN - 679338**

**5 ABBAS U.**
**AGED 43 YEARS**
**SON OF AYAMUTTY,**
**URAKKOTTIL HOUSE, VENNAKKODE,**
**VALLIKKAPPATTA P.O., KOOTTILANGADI,**
**PERINTHALMANNA, MALAPPURAM, PIN – 679324**

**BY ADV MAHESH V MENON**

**OTHER PRESENT:**

**SRI. ASHI M.C,**
**PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.07.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**BECHU KURIAN THOMAS, J.**

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**Crl.M.C.No.5184 of 2024**

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*Dated this the 24th day of July, 2024*

**ORDER**

Petitioners have invoked the jurisdiction under Section 482 Cr.P.C to quash all proceedings against them.

2. Petitioners are accused 1 to 6 in C.C.No.333/2020 on the files of the Judicial First Class Magistrate Court-I, Perinthalmanna, arising out of Crime No.223/2020 of Kolathur Police Station, Malappuram District, registered for the offences under Sections 143, 147, 447, 342 and 323 r/w Section 149 of the Indian Penal Code, 1860. Respondents 2 to 5 are the defacto complainant and the injured witnesses.

3. According to the prosecution, the accused had, on 05.05.2020 and on 04.05.2020, trespassed into the house of the defacto complainant and attacked her and her relatives, and thereby committed the offences alleged.

4. Heard the learned counsel for the petitioners and the learned counsel for the respondents, apart from the learned Public Prosecutor.

5. The learned counsel for the petitioners submitted that the matter has been settled and hence the proceedings against the petitioners ought to be quashed. It was also submitted that, considering the nature of offences alleged, no purpose would be served by continuing the proceedings.

6. In ***Gian Singh v. State of Punjab and Another*** *[(2012) 10 SCC 303]*, the Apex Court has held that in appropriate cases, the High Court can take note of the amicable resolution of disputes between the victim and the wrongdoer to put an end to the criminal proceedings. This view was reiterated in ***Narinder Singh and Others v. State of Punjab and Another*** *[(2014) 6 SCC 466]* and ***Yogendra Yadav and Others v. State of Jharkhand and Another*** *[(2014) 9 SCC 653]*.

7. I have perused Annexure-A3 to Annexure-A3(c) affidavits filed by respondents 2 to 5. The learned Public Prosecutor has submitted that upon verification, it is understood that the affidavits are genuine, and the defacto complainant and the other deponents stand by the contents thereof. I am satisfied that the matter has been settled and no public interest is involved in this case. There is no impediment for granting the prayer for quashing. The continuance of the proceedings will only be an exercise in futility.

8. Accordingly, all proceedings against the petitioners in C.C.No.333/2020 on the files of the Judicial First Class Magistrate Court-I, Perinthalmanna, are quashed.

This Crl.M.C is allowed as above.

Sd/-

**BECHU KURIAN THOMAS**
**JUDGE**

Jka/24.07.24.

**APPENDIX OF CRL.MC 5184/2024**

**PETITIONERS' ANNEXURES**

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|---|---|
| **Annexure A1** | **CERTIFIED COPY OF THE FIR IN CRIME NO. 223 OF 2020 OF THE KOLATHOOR POLICE STATION DATED 6-5-2020** |
| **Annexure A2** | **CERTIFIED COPY OF THE FINAL REPORT DATED 15-5-2020 IN CRIME NO. 223 OF 2020 OF THE KOLATHOOR POLICE STATION** |
| **Annexure A2(a)** | **CERTIFIED COPY OF THE WITNESS LIST IN CRIME NO. 223 OF 2020 OF THE KOLATHOOR POLICE STATION** |
| **Annexure A3** | **ORIGINAL OF THE AFFIDAVIT DATED 27-2-2024 OF THE 2ND RESPONDENT** |
| **Annexure A3(a)** | **ORIGINAL OF THE AFFIDAVIT DATED 24-5-2024 OF THE 3RD RESPONDENT** |
| **Annexure A3(b)** | **ORIGINAL OF THE AFFIDAVIT DATED 24-5-2024 OF THE 4TH RESPONDENT** |
| **Annexure A3(c)** | **ORIGINAL OF THE AFFIDAVIT DATED 10-5-2024 OF THE 5TH RESPONDENT** |