



2025:KER:26887

CRL.MC NO. 1566 OF 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 27TH DAY OF MARCH 2025 / 6TH CHAITHRA, 1947

CRL.MC NO. 1566 OF 2025

CRIME NO.686/2014 OF KUNNAMANGALAM POLICE STATION, KOZHIKODE

PETITIONERS:

- 1 SHARATH,
 AGED 36 YEARS
 S/O RADHAKRISHNAN,
 PONVILA HOUSE,
 PARANNOOR, NARIKUNI P.O.,
 KOZHIKODE DISTRICT,
 PIN - 673585

- 2 SHINU,
 AGED 45 YEARS
 S/O DAMODARAN,
 AGE KOLLAYIL HOUSE,
 MADAVOOR, MADAVOOR P.O. AMSOM,
 KOZHIKODE DISTRICT,
 PIN - 695602

BY ADVS.
AJITH P.C.
L.NISHA

RESPONDENTS:

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



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2 PROF.A.ABDUL AZEES,
 AGED 79 YEARS
 S/O SHAHUL HAMEED,PAX HOME,
 CHELAVUR POST MOOZHICKAL,
 KOZHIKODE DISTRICT,
 PIN - 673571

BY ADVS
FEBA MARY THOMAS
SMT. PUSHPALATHA. M.K, SR.PP.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
27.03.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



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ORDER

Dated this the 27th day of March, 2025

The petitioners are accused Nos.9 and 15 in Crime No.686 of 2014 registered at the Kunnamangalam Police Station for offences punishable under Sections 143, 144, 147, 148, 452, 324 and 427 r/w Section 149 of the Indian Penal Code, now pending as C.C.No.146 of 2019 on the files of the Judicial First Class Magistrate Court, Kunnamangalam.

2. The crime was registered on the allegation that, on 17/06/2014, at about 12:30 hours, accused formed an unlawful assembly, rioted with deadly weapons, threw stones at the students, trespassed into the Baithul Izza Arts and Science College, and destroyed the windows and furniture of the classrooms and office rooms, causing loss of Rs. 1,00,000/-.

3. Learned Counsel for the petitioners submitted that the dispute, which led to the incident and registration of the crime, is amicably settled and Annexure 4 affidavit has been filed by the 2nd respondent vouching this fact.



4. Learned Counsel for the 2nd respondent also submitted that the dispute is settled and her client has no grievance against the petitioners.

5. I heard the learned Public Prosecutor also.

6. Having considered the gravity of the offences alleged and having perused the affidavit, the contents of which are vouched to be true and voluntary by the Counsel for the 2nd respondent, I am satisfied that no public interest is involved in this matter and the dispute has been settled amicably. In view of the settlement, there is no possibility of the criminal proceedings ending in conviction. 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. Apart from the settlement, the fact that the other accused have been acquitted after trial is also taken into consideration.



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In the result, this Crl.M.C is allowed. The final report in Crime No.686 of 2014 of Kunnamangalam Police Station and all further proceedings in C.C.No.146 of 2019 on the files of the Judicial First Class Magistrate Court, Kunnamangalam, as against the petitioners, is quashed.

Sd/-

V.G.ARUN

JUDGE

SPV



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APPENDIX OF CRL.MC 1566/2025

PETITIONER ANNEXURES

- ANNEXURE 1** A TRUE COPY OF THE FINAL REPORT IN CRIME
NO: 686/2014 OF KUNNAMANGALAM POLICE ,
KOZHIKODE DISTRICT
- ANNEXURE 2** TRUE COPY OF THE JUDGMENT DATED 23/9/2017
IN CC NO. 1453/2014 ISSUED BY THE
JUDICIAL FIRST CLASS MAGISTRATE COURT,
KUNNAMANGALAM
- ANNEXURE 3** TRUE COPY OF THE DEPOSITIONS OF PW1 AND
PW2 AND IN C C NO. 146/2019 OF JUDICIAL
FIRST CLASS MAGISTRATE COURT,
KUNNAMANGALAM
- ANNEXURE 4** A COPY OF THE AFFIDAVIT SWORN BY THE 2ND
RESPONDENT 13/12/2024
- ANNEXURE 5** TRUE COPY OF THE FIR IN CRIME NO.
686/2014 OF KUNNAMANGALAM POLICE ,
KOZHIKODE DISTRICT

RESPONDENTS' ANNEXURES: NIL

//TRUE COPY//

PA TO JUDGE