



2025:KER:30011

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 7TH DAY OF APRIL 2025 / 17TH CHAITHRA, 1947

CRL.MC NO. 1711 OF 2025

CRIME NO.2649/2022 OF Muvattupuzha Police Station, Ernakulam

CC NO.1433 OF 2022 OF JUDICIAL MAGISTRATE OF FIRST CLASS -I

MUVATTUPUZZHA

PETITIONER/1ST ACCUSED:

IBRAHIM BADUSHA,
AGED 21 YEARS
S/O. UBAISE, MANAGATTU (H), NIRAPPU BHAGOM, MULAVOOR,
ERNAKULAM, PIN - 686673.

BY ADV AMAL AMIR ALI

RESPONDENT/STATE AND DE FACTO COMPLAINANT:

- 1 STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
(THROUGH THE SUB INSPECTOR OF POLICE, MOOVATTUPUZZHA
POLICE STATION), PIN - 686661
- 2 ALTHAF NAZAR ,
AGED 25 YEARS
S/O. NAZAR, VELLOORKKUNNAM VILLAGE, KAVUMKARA KARAYIL,
MANDOTHIPPADY, BHAGATH MOOLAYIL (H) ERNAKULAM,
PIN - 686669.

BY ADV K.A.ABIDALI

SRI. RENJITH GEORGE, SR.PP.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
07.04.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**ORDER**

Petitioner is the accused in Crime No.2649 of 2022 registered at the Muvattupuzha Police Station for offences punishable under Sections 451, 323, 427 and 294(b) r/w 34 of the Indian Penal Code, now pending as C.C No.1433 of 2022 on the files of the Judicial First Class Magistrate Court-I, Muvattupuzha.

2. The crime is registered on the allegation that, at about 5.30 p.m on 2.11.2022, due to previous animosity, the accused and a juvenile in conflict with law, trespassed into the shop where the de facto complainant was working as salesman, restrained, verbally abused and assaulted him. It is further alleged that they destroyed the mobile phones in the shop, thereby causing loss of Rs.75,000/-.

3. Learned Counsel for the petitioner submits that the dispute, which led to the incident and registration of the crime, is settled and Annexure A4 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 his client has no grievance against the petitioner.

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 arrived at between the parties, 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



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in granting the relief.

In the result, this Crl.M.C is allowed. Annexure A2 final report and all further proceedings in C.C No.1433 of 2022 on the files of the Judicial First Class Magistrate Court-I, Muvattupuzha, as against the petitioner, is quashed.

Sd/-

V . G . ARUN
JUDGE

Sru

**APPENDIX OF CRL.MC 1711/2025****PETITIONER'S ANNEXURES**

Annexure A3	RUE COPY OF THE ACCIDENT CUM WOUND CERTIFICATE OF OF THE 2ND RESPONDENT DATED 02.11.2022
Annexure A4	AN AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT DTD 04.02.2025
Annexure A1	CERTIFIED COPY OF THE F.I.R. IN CRIME NO. 2649/2022 DATED 03.11.2022 OF MOOVATUPUZHA POLICE STATION
Annexure A1(a)	CERTIFIED COPY OF THE F.I.S. IN CRIME NO. 2649/2022 DATED 03.11.2022 OF MOOVATUPUZHA POLICE STATION
Annexure A1(b)	TRUE COPY OF THE SCENE MAHAZAR IN CRIME NO. 2649/2022 DATED 04.11.2022 OF MOOVATUPUZHA POLICE STATION
Annexure A2	CERTIFIED COPY OF THE FINAL REPORT ALONG WITH THE STATEMENT OF WITNESSES RECORDED UNDER SECTION 161 OF THE CR.PC IN C.C. NO. 1433/2022 ON THE FILES OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, MUVATTUPUZHA