

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

WEDNESDAY, THE 25<sup>TH</sup> DAY OF JANUARY 2023 / 5TH MAGHA, 1944

CRL.MC NO. 641 OF 2023

PETITIONERS/ACCUSED NO.1 TO 4:

- 1 AJMAL.P.M  
AGED 29 YEARS  
S/O MEERA SAHIB, PAZHAYAVEEDU, PETTAH, PATHANAMTHITTA  
P.O, PATHANAMTHITTA VILLAGE, KOZHENCHERY TALUK,  
PATHANAMTHITTA DISTRICT, KERALA, PIN - 689645
- 2 ANAZ MOHAMMED  
AGED 30 YEARS,  
S/O NAJEEB, KAMILA BUILDING, PATHANAMTHITTA P.O,  
PATHANAMTHITTA VILLAGE, KOZHENCHERY TALUK,  
PATHANAMTHITTA DISTRICT, KERALA, PIN - 689645
- 3 AMEER SULTHAN SAINUDHEEN  
AGED 30 YEARS  
S/O SAINUDHEEN, KAVUMPATTU HOUSE, PERINGAMALA,  
THONNIYAMALA P.O, PATHANAMTHITTA VILLAGE,  
PATHANAMTHITTTA DISTRICT, PIN - 689668
- 4 ABDUL BASITH  
AGED 29 YEARS  
S/O KABEER, USSICAL PURAYIDAM, PATHANAMTHITTA P.O,  
PATHANAMTHITTA VILLAGE, PATHANAMTHITTA DISTRICT, PIN -  
689645  
BY ADVS.  
GEETHU KRISHNAN  
BEENA R.

RESPONDENTS/STATE & DEFACTO COMPLAINANTS:

- 1 STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA,  
PIN - 682031
- 2 THE STATION HOUSE OFFICER  
POLICE STATION OF PATHANAMTHITTA,  
PATHANAMTHITTA  
, PIN - 689645
- 3 CIBY MATHEW  
AGED 40 YEARS  
S/O A.S.MATHAI @ BABY, SREYAS HOUSE, MANAKKALA P.O,  
ERATH VILLAGE, PATHANAMTHITTA DISTRICT, KERALA, PIN -  
691551
- 4 ROBIN MATHEW  
AGED 30 YEARS

ROBIN MATHEW, AGED 30 YEARS, S/O A.S.MATHAI @  
BABY, SREYAS HOUSE, MANAKKALA P.O, ERATH VILLAGE,  
PATHANAMTHITTA DISTRICT, KERALA, PIN - 691551

**OTHER PRESENT:**

PP SRI.NOUSHAD K.A ,ADV.SABIKH MOHAMMED V.S FOR R3  
AND R4.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 25.01.2023, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

**BECHU KURIAN THOMAS, J.**

**Crl.M.C .No. 641 of 2023**

**Dated this the 25<sup>th</sup> day of January, 2023**

**ORDER**

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

2. Petitioners are the accused 1 to 4 in C.C.No.287/2013 on the files of the Judicial First Class Magistrate Court- I, Pathanamthitta registered for the offences under Sections registered for the offences under Sections 143, 147, 148, 323 and 324 r/w Section 149 of the Indian Penal Code, 1860. Respondents 3 and 4 are the defacto complainant and the injured witnesses. It is submitted that the matter has been settled, and the criminal proceedings against the petitioners may be quashed.

3. Heard Adv.Geethu Krishnan, the learned counsel for the petitioners and Adv.Sabikh Mohammed V.S., the learned counsel for the respondents apart from Sri.Noushad K.A., the learned Public Prosecutor.

4. 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].

5. I have perused Annexure-A2 and Annexure-A3 affidavits filed by respondents 3 and 4. The learned Public Prosecutor has submitted that upon verification, it is understood that the affidavits are genuine, and the defacto complainant and the other deponent stand by the contents thereof. I am satisfied that the matter has been settled and no public interest is involved in this case. The continuance of the proceedings will only be an exercise in futility. Further, there is no impediment for granting the prayer too.

Accordingly, all proceedings in C.C.No.287/2013 on the files of the Judicial First Class Magistrate Court- I, Pathanamthitta are quashed.

This Crl.M.C.is allowed.

sd/-

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

AJM/24/1/23

**APPENDIX OF CRL.MC 641/2023**

PETITIONER ANNEXURES

- Annexure1                      ANN.A1- THE CERTIFIED COPY OF THE FINAL  
REPORT IN CRIME NO.1197/2012 OF POLICE  
STATION OF PATHANAMTHITTA, PATHANAMTHITTA  
DISTRICT WHICH IS NOW PENDING AS CC NO.  
287/2013 ON THE FILES OF THE JUDICIAL  
FIRST CLASS MAGISTRATE COURT-I,  
PATHANAMTHITTA.
- Annexure2                      ANN A2- THE ORIGINAL OF THE AFFIDAVIT  
DATED 29.11.2022 SWORN BY THE 3RD  
RESPONDENT/DE-FACTO COMPLAINANT.
- Annexure3                      ANN A3-THE ORIGINAL OF THE AFFIDAVIT  
DATED 21.01.2023 SWORN BY THE 4TH  
RESPONDENT.

//TRUE COPY//