

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

TUESDAY, THE 19TH DAY OF APRIL 2022 / 29TH CHAITHRA, 1944

CRL.MC NO. 1931 OF 2022

AGAINST THE ORDER/JUDGMENT IN CC 946/2020 OF JUDICIAL MAGISTRATE
OF FIRST CLASS III, MANJERI

CRIME NO.548/2021 OF AREACODE POLICE STATION, MALAPPURAM

PETITIONERS/ACCUSED:

ACCUSED IN CR.548/2021

BY ADV P.SAMSUDIN

RESPONDENTS/STATE AND DE-FACTO COMPLAINANT:

- 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
ERNAKULAM - 682031
(IN CRIME NO.548/2021 OF AREAKKODE IN MALAPPURAM
DISTRICT)
- 2 FATHER OF DE-FACTO COMPLAINANT IN CRIME NO.548/2021 OF
AREAKKODE IN MALAPPURAM DISTRICT
- 3 DE-FACTO COMPLAINANT IN CRIME NO.548/2021 OF AREAKKODE
IN MALAPPURAM DISTRICT REPRESENTED BY FATHER
BY ADVS.SRI.M.P.PRASANTH PP
SHYAM NAIR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
19.04.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

The petitioners are the accused persons in Crime No.548/2021 of Areakkode Police Station and the offences alleged against the petitioners are under Sections 341 r/w 34 of the Indian Penal Code and under Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015. The petitioners moved this Court seeking to quash all further proceedings in CC 946/2021 of the Judicial First Class Magistrate Court, Manjeri pursuant to Annexure A2 final report in Crime No.548/2021 of Areakkode Police Station in Malappuram District.

2. The allegation is that on 01-10-2021 at about 8.00 pm, the accused persons wrongfully restrained, physically assaulted and inflicted injuries on the defacto complainant, the 3rd respondent and thereby committed the aforesaid offences.

3. Heard the learned counsel for the petitioners, the learned Public Prosecutor as well as the learned counsel for respondents 2 and 3.

4. It is submitted by respective counsel that the petitioners and respondents 2 and 3 have arrived at an amicable settlement and Annexure A3 is the affidavit filed. The affidavit, inter alia, state that all the disputes are settled and that the pendency of criminal proceeding would cause hardship to all the parties.

5. From the submission across the Bar and perusing the criminal M.C. and the affidavit referred above, I am satisfied that there has been an amicable settlement and that there is no vitiating circumstances in the respondent filing the affidavit. No purpose will be served by continuing the proceedings in the above circumstances. It is submitted by the learned Public Prosecutor that the statement of the de facto complainant has also been taken to verify the genuineness of the settlement.

6. In view of the judgment of the Hon'ble Supreme Court in ***Gian Singh v. State of Punjab and another*** [2012 (10) SCC 303] and considering the facts and circumstances of the case and in exercise of power of

this Court under Section 482 of the Code of Criminal Procedure, I hereby quash all further proceedings against the petitioners/accused in CC 946/2021 of the Judicial First Class Magistrate Court, Manjeri pursuant to Annexure A2 final report in Crime No.548/2021 of Areakkode Police Station in Malappuram District, against these petitioners.

The Crl.MC is allowed as above.

Sd/-

MOHAMMED NIAS C.P.

JUDGE

msp

APPENDIX OF CRL.MC 1931/2022

PETITIONER ANNEXURES

Annexure-1	TRUE COPY OF THE FIR IN CRIME NO.548/2021 OF AREAKKODE POLICE STATION
Annexure-2	TRUE COPY OF THE FINAL REPORT IN CRIME NO.548/2021 OF AREAKKODE POLICE STATION
Annexure-3	THE ORIGINAL OF THE AFFIDAVIT DATED 10.01.2022 SWORN IN BY THE 2ND RESPONDENT