

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

TUESDAY, THE 3<sup>RD</sup> DAY OF OCTOBER 2023 / 11TH ASWINA, 1945

CRL.MC NO. 4007 OF 2023

CC 153/2022 OF CHIEF JUDICIAL MAGISTRATE, MANJERI

CRIME NO.135/2022 OF AREACODE POLICE STATION, MALAPPURAM

PETITIONER/ACCUSED :

ALIMON  
AGED 35 YEARS  
S/O. KORALIYADAN ABOOBACKER,  
KORALIYADAN HOUSE, VANNILAPARAMB,  
MAITHRA, MALAPPURAM DISTRICT, PIN - 673639  
BY ADV K.RAKESH

RESPONDENTS/STATE & COMPLAINANT:

- 1 STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM,  
KOCHI, PIN - 682031
- 2 THE STATION HOUSE OFFICER  
AREACODE POLICE STATION,  
MALAPPURAM, PIN - 673639
- 3 SATHYABHAMA P  
AGED 47 YEARS  
D/O. PALANKUTTY, AGED 47 YEARS,  
MUNJAKOTTIL HOUSE, CHEMRAKKATTOOR,  
AREAKODE AMSOM, CHEMRAKKATTOOR DESOM,  
ERNAD TALUK, MALAPPURAM DISTRICT,  
PIN - 673639

OTHER PRESENT:

SR.PP- SRI.NOUSHAD K.A.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
03.10.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**ORDER**

The petitioner faces prosecution under Section 420 of the Indian Penal Code. A crime has been registered against the petitioner as Crime No.135 of 2022 of Areacode Police Station, Malappuram, alleging commission of offence under the aforesaid provision of law. The matter is now pending as C.C.No.153 of 2022 on the file of the Chief Judicial Magistrate Court, Manjeri.

2. The learned counsel appearing for the petitioner would submit that the entire disputes between the petitioner and the defacto complainant (third respondent) have been settled, as is evident from Annexure-B affidavit executed by the third respondent/defacto complainant. It is submitted that no useful purpose would be served in continuing with the prosecution against the petitioner in the light of the settlement of all issues between the petitioner and the third respondent/defacto complainant.

3. The learned Public Prosecutor, on instructions, would submit that the disputes between the petitioner and the third respondent have been settled and the third respondent does not wish to continue with the prosecution against the petitioner.

4. Having heard the learned counsel appearing for the petitioner and the learned Public Prosecutor and the learned counsel appearing for the third respondent/defacto complainant and keeping in mind the law laid down by the Supreme Court in ***Gian Singh v. State of Punjab; (2012) 10 SCC 303*** and ***State of M.P. v. Laxmi Narayan; (2019) 5 SCC 688***, I am of the view that the proceedings against the petitioner can be quashed on the ground of settlement. No public purpose would be served by continuing with the proceedings against the petitioner in C.C.No.153 of 2022 on the file of the Chief Judicial Magistrate Court, Manjeri. The chance of a successful prosecution are also minimal in the light of the settlement arrived at between the parties.

In the result, this Crl.M.C. is allowed and all further proceedings against the petitioner in C.C.No.153 of 2022 on the file of the Chief Judicial Magistrate Court, Manjeri will stand quashed.

Sd/-

**GOPINATH P., JUDGE**

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**APPENDIX OF CRL.MC 4007/2023**

**PETITIONER ANNEXURES**

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| Annexure A | A CERTIFIED COPY OF THE FINAL REPORT IN<br>CRIME NO.135/2022 OF THE AREACODE POLICE<br>STATION |
| Annexure B | THE AFFIDAVIT DATED 6-1-2023 EXECUTED BY<br>THE 3RD RESPONDENT                                 |