

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE M.R.ANITHA

TUESDAY, THE 14<sup>TH</sup> DAY OF DECEMBER 2021 / 23RD AGRAHAYANA, 1943

CRL.MC NO. 4875 OF 2021

TO QAUSH FIR IN CRIME NO. 188/2021 OF MATTANNUR POLICE STATION, KANNUR  
DISTRICT AND ALL FURTHER PROCEEDINGS THERETO

PETITIONERS/ACCUSED:

- 1 RADHAKRISHNAN K.  
AGED 54 YEARS  
S/O. KUNJIKRISHNAN NAMBIAR, KRISHNATHULASI, MARUTHAYI DESOM,  
KOLARI AMSOM, IRITTY TALUK, PORORA P. O., KANNUR DISTRICT -  
670702.
- 2 MRUDHUL KRISHNAN  
AGED 20 YEARS  
S/O. RADHAKRISHNAN, KRISHNATHULASI, MARUTHAYI DESOM, KOLARI  
AMSOM, IRITTY TALUK, PORORA P. O., KANNUR DISTRICT - 670702.  
BY ADVS.  
K.SIJU  
ANJANA KANNATH

RESPONDENTS/STATE, DEFACTO COMPLAINANT AND INJURED:

- 1 STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,  
ERNAKULAM - 682 031.
- 2 STATION HOUSE OFFICER  
MATTANNUR POLICE STATION, KANNUR DISTRICT - 670702.
- 3 LALITHA  
AGED 58 YEARS  
W/O. SETHU MADHAVAN, CHINGAPURATH VEEDU, VADAKKANCHERRY,  
THRISSUR DISTRICT, NOW RESIDING AT PUTHIYA VEEDU, MARUTHAYI  
DESOM, KOLARI AMSOM, IRITTY TALUK, PORORA P. O., KANNUR  
DISTRICT - 670 702.
- 4 PRASHOB PREM  
AGED 39 YEARS  
S/O. PREM, PUTHIYA VEEDU, PORORA AMSOM, KOLARI AMSOM, IRITTY  
TALUK, PORORA P. O., KANNUR DISTRICT - 670 702.
- 5 ANJALI  
W/O. PRASHOB PREM, PUTHIYA VEEDU, PORORA AMSOM, KOLARI  
AMSOM, IRITTY TALUK, PORORA P. O., KANNUR DISTRICT - 670 702.  
BY ADV A.MUHAMMED RAFFI

PP SANGEETHARAJ N.R

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 14.12.2021, THE  
COURT ON THE SAME DAY PASSED THE FOLLOWING:

**ORDER**

**Dated this the 14<sup>th</sup> day of December, 2021**

This Cr1.M.C has been filed seeking to quash the entire further proceedings against the petitioners in Crime No. 188/2021 of the Mattannur Police Station registered for the offence punishable under Sections 452, 341, 323, 324, 294(b), 506 r/w 34 of IPC.

2. 3<sup>rd</sup> respondent is the defacto complainant. Respondents 4 and 5 are the other injured. According to the learned counsel for the petitioners, the matter have been amicably settled between the parties with the intervention of mediators. Adv. A. Muhammed Raffi appeared on behalf of the defacto complainant and reports about the settlement arrived at between the parties.

3. Affidavit sworn in by the defacto complainant is produced and marked as Annexure 2. Annexures 3 and 4 are the affidavits sworn in by the other injured. The learned Public

Prosecutor filed report of the Station House Officer, Mattannur Police Station along with the copy of the statement of the defacto complainant.

4. It has come out from the affidavits of the respondents 3 to 5 as well as the statement of the defacto complainant given to the Station House Officer that the entire dispute between the parties have been amicably settled with the intervention of mediators out of court. The respondents 3 to 5 are not intending to prosecute the matter further against the petitioners. The statement of the defacto complainant given to the Station House Officer would show that the parties are relatives and neighbours. So they do not want to prosecute the matter further against the petitioners. It has come out from the signed statement of the respondents 3 to 5 that the parties have settled the entire issues out of court. The entire issues between the parties are purely private in nature and no public interest is involved.

5. Since the entire issues between the parties have been amicably settled out of court, the continuation of further proceedings against the petitioners will be an abuse of process of court. In such

cases this Court can exercise the inherent powers to quash the proceedings. (See Gian Singh v. State of Punjab and Another (2012 10 SCC 303 : 2012 KHC 4530; Madan Mohan Abhot v. State of Punjab 2008 (3) KLT 19 [SC] and Narinder Singh & Ors. v. State of Punjab & Anr. (2014 (4) SCALE 195 : ILR 2014 (2) Ker. 85 : 2014 KHC 4195)).

In the result, this Crl.M.C. stands allowed and all further proceedings against the petitioner in Crime No. 188/2021 of the Mattannur Police Station is hereby quashed. SD/-

**M.R.ANITHA**

**JUDGE**

rps/

**APPENDIX OF CRL.MC 4875/2021**

**PETITIONER ANNEXURES**

- |                   |  |
|-------------------|--|
| <b>Annexure 1</b> | <b>THE CERTIFIED COPY OF FIR WITH FIS IN<br/>CRIME NO.188/2021 OF MATTANNUR POLICE<br/>STATION DATED 26.03.2021.</b> |
| <b>Annexure 2</b> | <b>THE AFFIDAVIT SWORN BY THE 3RD<br/>RESPONDENT REGARDING COMPROMISE<br/>DATED 25.09.2021.</b>                      |
| <b>Annexure 3</b> | <b>THE AFFIDAVIT SWORN BY THE 4TH<br/>RESPONDENT REGARDING COMPROMISE<br/>DATED 25.09.2021.</b>                      |
| <b>Annexure 4</b> | <b>THE AFFIDAVIT SWORN BY THE 5TH<br/>RESPONDENT REGARDING COMPROMISE<br/>DATED 25.09.2021.</b>                      |