

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

THURSDAY, THE 8<sup>TH</sup> DAY OF DECEMBER 2022 / 17TH AGRAHAYANA, 1944

CRL.MC NO. 8219 OF 2022

CRIME NO.420/2022 OF Kazhakkuttom Police Station,  
Thiruvananthapuram

PETITIONER/ACCUSED:

MANU MADHAVAN,  
AGED 46 YEARS,  
S/O.MADHAVAN PILLAI,  
APARTMENT 10D, QUEEN TOWER,  
CORDIAL CYBER CASTLE, ATTINKUZHI,  
KAZHAKUTTOM, THIRUVANANTHAPURAM, PIN - 695 022.

BY ADV.VINOD KUMAR.C

RESPONDENTS/DE FACTO COMPLAINANT/STATE:

1 ADHARSH M.P,  
AGED 25 YEARS,  
MAHENDRA BHAVAN,  
GURUNAGAR, KULATHOOR DESAM,  
ATTIPPRA, THIRUVANANTHAPURAM, PIN - 695 583.

2 STATE OF KERALA,  
REP.BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,  
ERNAKULAM, PIN - 682 031.

BY ADVS.

Liju MP

REVATHI R. KURUP(K/1866/2019)

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
08.12.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**ORDER**

Petitioner is the accused in Crime No.420 of 2022 of Kazhakkuttam Police Station, which is now pending as C.C.No.323 of 2022 on the file of the Judicial First Class Magistrate Court-II, Attingal.

2. Offences alleged against the petitioner are under Sections 323, 294(b) and 506 IPC. Annexure-1 is the final report and this Crl.M.C. is filed for quashing all further proceedings pursuant to the same.

3. Heard Sri.Vinod Kumar, learned counsel for the petitioner, Sri.Sangeetharaj N.K, learned Public Prosecutor for the State and Sri.Liju M.P., learned counsel for the 1<sup>st</sup> respondent.

4. Prayer for quashing the proceedings is sought mainly on the ground that the dispute between the parties has been settled. Annexure-2 affidavit sworn by the 1<sup>st</sup> respondent/*de facto* complainant is filed along with this Crl.M.C. to substantiate the settlement. In the said affidavit, the 1<sup>st</sup> respondent/*de facto* complainant had specifically acknowledged the aforesaid settlement and also conveyed the no-objection to quash the proceedings against the petitioner herein. The learned counsel appearing for the 1<sup>st</sup> respondent/*de facto* complainant also confirms the same. The learned Public Prosecutor, upon

instructions, submitted that the Station House Officer concerned has verified the veracity of the same and found it to be genuine.

5. The allegations would reveal that the dispute is purely private in nature. In such circumstances, by applying the principles laid down by the Honourable Supreme Court in **Gian Singh v. State of Punjab and Another [(2012) 10 SCC 303]**, proceedings can be quashed by invoking the powers of this Court under Section 482 Cr.P.C. This is particularly because, on account of the settlement, no fruitful purpose would be served by allowing the prosecution to continue.

In the result, this Crl.M.C. is allowed, and Annexure-1 FIR submitted in Crime No.420 of 2022 of Kazhakuttom Police Station and all further proceedings in C.C.No.323 of 2022 on the file of the Judicial First Class Magistrate Court-II, Attingal, against the petitioner are hereby quashed.

Sd/-

**ZIYAD RAHMAN A.A.**

**JUDGE**

DG/9.12.22

APPENDIX OF CRL.MC 8219/2022

*PETITIONER ANNEXURES*

*Annexure1*

*CERTIFIED COPY OF THE FINAL REPORT IN  
CRIME NO. 419/2022 OF KAZHAKUTTOM POLICE  
STATION, THIRUVANANTHAPURAM*

*Annexure2*

*ORIGINAL OF THE AFFIDAVIT DATED 16.09.2022  
EXECUTED BY THE 1ST RESPONDENT/ DEFACTO  
COMPLAINANT*