



2024:KER:91873

CRL.MC NO. 9780 OF 2024

1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

WEDNESDAY, THE 4<sup>TH</sup> DAY OF DECEMBER 2024 / 13TH AGRAHAYANA, 1946

CRL.MC NO. 9780 OF 2024

CRIME NO.1395/2020 OF PERUNAD POLICE STATION, PATHANAMTHITTA

AGAINST THE ORDER/JUDGMENT DATED IN CC NO.643 OF 2021 OF  
JUDICIAL MAGISTRATE OF FIRST CLASS ,RANNI

PETITIONER:

ABHIJITH M P  
AGED 27 YEARS  
S/O. M.R.PUSHPANGATHAN, MODIMEPURATHU HOUSE,  
MADAMON P.O., PERUNADU VILLAGE,  
RANNY TALUK, PIN - 689711

BY ADVS.  
ANANDHU SATHEESH  
SREEDEVI S.  
V.G.SURESH

RESPONDENTS:

- 1 STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,  
ERNAKULAM, PIN - 682031
- 2 STATION HOUSE OFFICER  
PERUNAD POLICE STATION,  
PATHANAMTHITTA,  
PIN - 689711
- 3 VISHNU KANNAN  
AGED 36 YEARS



2024:KER:91873

CRL.MC NO. 9780 OF 2024

2

**S/O SAHADEVAN, KANNATTUTHARA VEEDU,  
PERUNADU, PATHANAMTHITTA, KERALA,  
INDIA, PIN - 689711**

**BY SMT. PUSHPALATHA. M.K, SR.PP.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
04.12.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**ORDER**

The petitioner is accused No.1 in Crime No.1395 of 2020 registered at the Perunad Police Station, for the offences punishable under Sections 294(b), 323, 324, 341 r/w Section 34 of IPC, now pending as C.C.No.643 of 2021 on the files of Judicial Magistrate of First Class-II, Ranni.

2. The crime was registered on the allegation that at about 19.45 hrs on 27.12.2020, the accused, by reason of their previous enmity towards the defacto complainant/ 3<sup>rd</sup> respondent, restrained him and hit on his face and head, causing injuries.

3. Learned counsel for the petitioner submits that the issue, which led to the incident and registration of the crime, has been settled amicably and Annexure A2 affidavit has been filed by the 3<sup>rd</sup> respondent vouching this fact.

4. Learned Counsel for the 3<sup>rd</sup> respondent also submitted that the dispute has been settled and his client has no grievance against the petitioner.

5. I heard learned Government Pleader also.

6. Having considered the gravity of the offences



2024:KER:91873

CRL.MC NO. 9780 OF 2024

4

alleged and having perused the affidavit, the contents of which are vouched to be true and voluntary by the Counsel for the 3<sup>rd</sup> respondent, I am satisfied that no public interest is involved in this matter and the dispute has been settled amicably. In view of the settlement arrived at between the parties, there is no possibility of the criminal proceedings ending in conviction. As such, continuance of the proceedings will amount to an abuse of process of court and hence, in view of the legal position set out by the Honourable Supreme Court in **Madan Mohan Abbot v State of Punjab** [(2008) 4 SCC 582] and **Gian Singh v State of Punjab and Another** [(2012) 10 SCC 303], there is no impediment in granting the relief.

In the result, this Crl.M.C is allowed. Annexure-A1 final report and all further proceedings in C.C.No.643 of 2021 on the files of Judicial Magistrate of First Class-II, Ranni, as against the petitioner, is quashed.

**Sd/-**

**V.G.ARUN**

**JUDGE**

SPV



2024:KER:91873

CRL.MC NO. 9780 OF 2024

5

**APPENDIX OF CRL.MC 9780/2024**

**PETITIONER'S ANNEXURES**

**ANNEXURE A1**

A TRUE COPY OF THE FINAL REPORT IN CRIME  
NO. 1395 OF 2020 OF PERUNAD POLICE STATION,  
PATHANAMTHITTA DISTRICT DATED 05/02/2021  
ALONG WITH THE FIR, FIS, AND WOUND  
CERTIFICATE

**ANNEXURE A2**

THE AFFIDAVIT SWORN IN BY RESPONDENT  
NO.3/DEFACTO COMPLAINANT DATED 16/11/2024

**RESPONDENTS' ANNEXURES: NIL**

**//TRUE COPY//**

**PA TO JUDGE**