



2025:KER:5446

CRL.MC NO. 10311 OF 2024

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 16<sup>TH</sup> DAY OF JANUARY 2025 / 26TH POUSHA, 1946

CRL.MC NO. 10311 OF 2024

CRIME NO.221/2021 OF PATHANAMTHITTA POLICE STATION,

PATHANAMTHITTA

AGAINST THE ORDER/JUDGMENT IN CC NO.48 OF 2021 OF  
CHIEF JUDICIAL MAGISTRATE PATHANAMTHITTA

PETITIONERS:

- 1 JUSTIN MATHEW,  
AGED 26 YEARS  
S/O SAJI MATHEW, PUTHEN PURAYKKAL VEEDU,  
THOOKKU PALAM, ELANTHUR VILLAGE,  
PATHANAMTHITTA., PIN - 689643
- 2 SANDEEP KUMAR ,  
AGED 25 YEARS  
S/O. SURESHKUMAR, SUMALAYAM,  
MANJAPRA, NEDUMUDY VILLAGE,  
ALAPPUZHA., PIN - 688503
- 3 ANEESH ,  
AGED 26 YEARS  
S/O. SUKU, CHILAMBANATHARAYIL,  
PANNAMALI, OMALLUOOR VILLAGE,  
PATHANMTHITTA., PIN - 689647
- 4 AJMAL BASHEER,  
AGED 23 YEARS  
S/O. BHASHEER, SUMAYYA MANZIL,  
CHITTOOR, PATHANAMTHITTA VILLAGE,  
PATHANAMTHITTA., PIN - 689645



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5 KIRAN ,  
AGED 24 YEARS  
S/O. MOHANAN NAIR, KADAVOOR VADAKKETHIL,  
ANTHICHANDA, ANGADIKKAL,  
ANGADIKKAL VILLAGE,  
PATHANAMTHITTA., PIN - 691555

BY ADVS.  
NOBEL RAJU  
C.R.JAYAKUMAR  
P.K.VINAYA  
R.S.RAJASREE  
SANDRA SREEKUMAR

RESPONDENTS:

- 1 STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, PIN - 682031
- 2 STATION HOUSE OFFICER,  
PATHANAMTHITTA POLICE STATION,  
PATHANAMTHITTA DISTRICT., PIN - 691523
- 3 SHINAS SHAMS,  
AGED 26 YEARS  
S/O SHAMSUDEEN, ANCHUMANI PURAYDOM,  
KULASHEKHARAPATHY, KUMBAZHA MURI,  
PATHANAMTHITTA P.O, PATHANAMTHITTA VILLAGE,  
KOZHENCHERRY TALUK, PATHANAMTHITTA DISTRICT.,  
PIN - 689645

BY ADVS  
M.RAJESH  
M.C. ASHI, PP.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 16.01.2025, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:



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## **ORDER**

**Dated this the 16<sup>th</sup> day of January, 2025**

The petitioners are accused Nos.1 to 5 in Crime No.221 of 2021 registered at the Pathanamthitta Police Station for offences punishable under Sections 143,147, 148, 341, 323, 324, and 149 of the Indian Penal Code, now pending as C.C.No.48 of 2021 on the files of the Chief Judicial Magistrate Court, Pathanamthitta.

2. The crime was registered on the allegation that, on 10.02.2021 at about 2PM, due to previous enmity, the petitioners, who are SFI activists of Catholicate College, detained the de facto complainant and physically assaulted him, thereby causing injuries.

3. Learned Counsel for the petitioners submitted that the dispute, which led to the incident and registration of the crime, is amicably settled and Annexure A3 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 is settled and his client has no



grievance against the petitioners.

5. I heard the learned Public Prosecutor also.

6. Having considered the gravity of the offences 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, 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.

7. Even though antecedents are reported against the accused, the offences therein being minor and the dispute, in this case, having been settled, the antecedents need not stand in the way of this Court exercising the extraordinary power under Section 528 of BNSS as against accused Nos. 4



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and 5.

In the result, this CrI.M.C is allowed. Annexure A2 final report in Crime No 221 of 2021 of Pathanamthitta Police Station and all further proceedings in C.C.No.48 of 2021 on the files of the Chief Judicial Magistrate Court, Pathanamthitta, as against the petitioners, is quashed.

**Sd/-**

**V.G.ARUN**

**JUDGE**

SPV



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**APPENDIX OF CRL.MC 10311/2024**

**PETITIONERS' ANNEXURES**

**ANNEXURE A1                      A CERTIFIED COPY OF THE F.I.R.NO.  
221/2021 OF PATHANAMTHITTA POLICE  
STATION DATED 11/02/2021**

**ANNEXURE A2                      A CERTIFIED COPY OF THE FINAL  
REPORT CRIME NO.221/2021 DATED  
03/04/2021**

**ANNEXURE A3                      THE AFFIDAVIT SWORN BY THE 3RD  
RESPONDENT DATED 15/10/2024**

**RESPONDENTS' ANNEXURES: NIL**

**//TRUE COPY//**

**PA TO JUDGE**