



2025:KER:12140

CRL.MC NO. 932 OF 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 13TH DAY OF FEBRUARY 2025 / 24TH MAGHA, 1946

CRL.MC NO. 932 OF 2025

CRIME NO.163/2009 OF SREEKARIYAM POLICE STATION,
THIRUVANANTHAPURAM

PETITIONERS:

- 1 RIJO DOMINIC,
AGED 39 YEARS
S/O DOMINIC, RESIDING AT RIJO HOUSE, THALLACHIRA,
VITHURA, THIRUVANANTHAPURAM, PIN - 695551
- 2 JOHITH JOHN,
AGED 37 YEARS
S/O JETHIL KUMAR, RESIDING AT SREESAILAM HOUSE,
TC 6/1(4), KOCHULLOOR, BHASI NAGAR,
ULLOOR, PIN - 965011
- 3 NAHAS,
AGED 36 YEARS
S/O RASHEED, RESIDING AT THOTTUMUKHAM HOUSE,
MUKKOLA, KULATHOOR, THIRUVANANTHAPURAM,
PIN - 695583
- 4 ANEESH KUMAR,
AGED 36 YEARS
S/O SOMAN, RESIDING AT KRISHNAMANGALATHU HOUSE,
KAVILPURAM RESIDENTS ASSOCIATION H.NO.16,
CHENNILOAD, ANAMUKHAM, THIRUVANANTHAPURAM,
PIN - 695033

BY ADVS.
SRAVAN M.S.
SRIKANTH THAMBAN
AKHIL RAJ B.
ARUN RAJ
VISHNU VIJAYAN



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RESPONDENTS:

- 1 STATE OF KERALA,
 REPRESENTED BY PUBLIC PROSECUTOR,
 HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031

- 2 REJEESH,
 S/O RAMACHANDRAN NAIR, AGED 36 YEARS,
 RESIDING AT THENGUVILA PADINJATTATHIL,
 VADAKUMKARA EAST, UMayANALLOOR P.O,
 VILLAGE, MAYYANAD, THAZHUTHALA,
 KOLLAM DISTRICT, PIN - 691589

BY ADVS
AMEESHA GEORGE
SMT. PUSHPALATHA. M.K, SR.PP.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
13.02.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**ORDER**

Dated this the 13th day of February, 2025

The petitioners are accused Nos.1 to 4 in Crime No.163 of 2009 registered at the Sreekariyam Police Station for offences punishable under Sections 143, 147, 148, 149, 323 and 324 of the Indian Penal Code.

2. The crime was registered on the allegation that, on 05.04.2019, at about 5.30 pm, the defacto complainant, a student of Engineering college in Thiruvananthapuram was attacked by the accused during a cultural festival.

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 A2 affidavit has been filed by the 2nd respondent vouching this fact.

4. Learned counsel for the 2nd respondent also submitted that the dispute is settled and her 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 2nd 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.

In the result, this Crl.M.C is allowed. Annexure A1 FIR and all further proceedings in Crime No. 163 of 2009 of Sreekariyam Police Station, as against the petitioners, is quashed.

Sd/-

V.G.ARUN

JUDGE



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APPENDIX OF CRL.MC 932/2025

PETITIONER ANNEXURES

ANNEXURE A1

THE CERTIFIED COPY OF THE FIRST INFORMATION REPORT ALONG WITH FIS DATED 05.04.2009 IN CRIME NO.163/2009 OF SREEKARYAM POLICE STATION, THIRUVANANTHAPURAM

ANNEXURE A2

THE ORIGINAL AFFIDAVIT SWORN BY THE 2ND RESPONDENT STATING THE SETTLEMENT OF ALL THE DISPUTES DATED 23.01.2025