



2025:KER:30016

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 7TH DAY OF APRIL 2025 / 17TH CHAITHRA, 1947

CRL.MC NO. 1481 OF 2025

CRIME NO.2646/2022 OF Muvattupuzha Police Station, Ernakulam

CC NO.21 OF 2023 OF JUDICIAL MAGISTRATE OF FIRST CLASS -I

MUVATTUPUZZHA

PETITIONERS/ACCUSED NOS.1 TO 4:

- 1 ALTHAF NAZAR ,
 AGED 25 YEARS
 S/O. NAZAR, VELLOORKKUNNAM VILLAGE, KAVUMKARA KARAYIL,
 MANDOTHIPPADY, BHAGATH MOOLAYIL (H) ERNAKULAM,
 PIN - 686669.
- 2 SHEHIN NASEER,
 AGED 35 YEARS
 VELLOORKKUNNAM VILLAGE, KAVUMKARA KARAYIL, ORAVAKKUZHY
 BHAGATH KUTTIYIL (H) ERNAKULAM, PIN - 686669.
- 3 NAJAS RASHEED,
 AGED 39 YEARS
 VELLOORKKUNNAM VILLAGE, KAVUMKARA KARAYIL, ATTAYAM
 BHAGATH PALATHINKAL (H), ERNAKULAM, PIN - 686669.
- 4 SHEPHIN NAZEER,
 AGED 37 YEARS
 VELLOORKKUNNAM VILLAGE, KAVUMKARA KARAYIL, ORAVAKKUZHY
 BHAGATH KUTTIYIL (H) ERNAKULAM, PIN - 686669.

BY ADV K.A.ABIDALI

RESPONDENTS/STATE, DE FACTO COMPLAINANT AND CW2:

- 1 STATE OF KERALA,
 REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA.



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**(THROUGH THE SUB INSPECTOR OF POLICE, MOOVATTUPUZHA
POLICE STATION), PIN - 686661.**

- 2 MUHAMMAD NAIFUDHEEN,
AGED 20 YEARS
S/O. MEERAN KUNJU, KALARICKAL (H), NIRAPPU BHAGAM,
MULAVOOR, ERNAKULAM, PIN - 686673.**
- 3 IBRAHIM BADUSHA,
AGED 21 YEARS
S/O. UBAISE, MANAGATTU (H), NIRAPPU BHAGOM, MULAVOOR,
ERNAKULAM, PIN - 686673.**

BY ADV AMAL AMIR ALI

SRI. RENJITH GEORGE, SR.PP.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
07.04.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**ORDER**

Petitioners are the accused in Crime No.2646 of 2022 registered at the Muvattupuzha Police Station for offences punishable under Sections 341, 323, 324 and 294(b) r/w 34 of the Indian Penal Code, now pending as C.C No.21 of 2023 on the files of the Judicial First Class Magistrate Court-I, Muvattupuzha.

2. The crime is registered on the allegation that, at about 5.30 p.m on 2.11.2022, due to previous animosity, the accused, verbally abused and assaulted the de facto complainant and CW2. It is further alleged that, later, at 6.45 p.m, the accused wrongfully restrained the de facto complainant and CW4 and verbally abused and assaulted the de facto complainant.

3. Learned Counsel for the petitioners submits that the dispute, which led to the incident and registration of the crime, is settled and Annexures A4 and A5 affidavits have been filed by



respondents 2 and 3 vouching this fact.

4. Learned Counsel for respondents 2 and 3 also submitted that the dispute is settled and his clients have 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 affidavits, the contents of which are vouched to be true and voluntary by the Counsel for respondents 2 and 3, 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



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in granting the relief.

In the result, this Crl.M.C is allowed. Annexure A2 final report and all further proceedings in C.C No.21 of 2023 on the files of the Judicial First Class Magistrate Court-I, Muvattupuzha, as against the petitioners, is quashed.

Sd/-

V.G.ARUN
JUDGE

Sru

**APPENDIX OF CRL.MC 1481/2025****PETITIONERS EXHIBITS**

Annexure A1	CERTIFIED COPY OF THE F.I.R. IN CRIME NO. 2646/2022 DATED 03.11.2022 OF MOOVATUPUZZHA POLICE STATION
Annexure A1(a)	CERTIFIED COPY OF THE FIRST INFORMATION STATEMENT OF THE 2ND RESPONDENT- DE FACTO COMPLAINANT DATED 03.11.2022 IN CRIME NO. 2646/2022 OF MOOVATUPUZZHA POLICE STATION
Annexure A1(b)	TRUE COPY OF THE SCENE MAHAZAR DATED 04.11.2022 IN CRIME NO. 2646/2022 OF MOOVATUPUZZHA POLICE STATION
Annexure A2	CERTIFIED COPY OF THE FINAL REPORT IN IN C.C. NO. 21/2023 DATED 30.11.2022 ALONG WITH THE STATEMENT OF WITNESSES RECORDED UNDER SECTION 161 OF THE CR.PC ON THE FILES OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, MUVATTUPUZZHA
Annexure A3	TRUE COPY OF THE ACCIDENT CUM WOUND CERTIFICATE OF OF THE 2ND RESPONDENT DATED 02.11.2022 AT 06.08 PM
Annexure A3(a)	TRUE COPY OF THE ACCIDENT CUM WOUND CERTIFICATE OF OF THE 2ND RESPONDENT DATED 02.11.2022 AT 07.20 PM IS PRODUCED HERewith AND MARKED AS ANNEXURE A3(A)
Annexure A3(b)	TRUE COPY OF THE ACCIDENT CUM WOUND CERTIFICATE OF THE 3RD RESPONDENT DATED 02.11.2022 AT 07.20 PM
Annexure A4	AN AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT DATED 04.02.2025
Annexure A5	AN AFFIDAVIT EXECUTED BY THE 3RD RESPONDENT DATED 04.02.2025