



2025:KER:18567

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 3RD DAY OF MARCH 2025 / 12TH PHALGUNA, 1946

CRL.MC NO. 9568 OF 2024

CRIME NO.273/2018 OF Thenhipalam Police Station, Malappuram

SC NO.768 OF 2019 OF DISTRICT COURT& SESSIONS COURT,MANJERI

PETITIONERS/ACCUSED 1 TO 2:

- 1 RASHEED K
AGED 42 YEARS
S/O. KOYAKUTTY THAZHETHANIYANGATT (H), PALLIKKAL,
MALAPPURAM DISTRICT, PIN - 673634.
- 2 KOYAKUTTY
AGED 59 YEARS
S/O VEERANKUTTY DEVANKULANGARA (H), PALLIKKAL P.O,
MALAPPURAM DISTRICT, PIN - 673634.

BY ADV MUHAMMAD SABITH

RESPONDENT/COMPLAINANT/DEFACTO COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031.
- 2 MOIDU C.K
AGED 76 YEARS
S/OMOHAMMED, KARATTU PURAI, KARIKULATH HOUSE, KODIKUTHI
PARAMB, PULIKAL VILLAGE, PALIKKAL BAZAR,
MALAPPURAM DISTRICT, PIN 673634.

BY ADV AHAMMED MIZWAR V.P.
SR.PP.PUSHPALATHA M.K.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
03.03.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**ORDER**

Petitioners are the accused in Crime No.273 of 2018 registered at the Thenhipalam Police Station alleging commission of offences punishable under Sections 341, 323, 324, 201, 506 and 308 r/w Section 34 of the Indian Penal Code, now pending as S.C No.768 of 2019 on the files of the Sessions Court, Manjeri.

2. The crime is registered on the allegation that, on 1.8.2018 at about 7 a.m, the accused restrained and assaulted the 2nd respondent in connection with a dispute regarding the administration of the Pallikkal Juma Masjid.

3. Learned Counsel for the petitioners submits that the dispute, which led to the incident and registration of the crime, is settled and Annexure C affidavit has been filed by the 2nd respondent vouching this fact.

4. Learned Counsel for the the 2nd 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 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 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 A final



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report and all further proceedings in S.C No.768 of 2019 on the files of the Sessions Court, Manjeri, as against the petitioners, is quashed.

Sd/-

V . G . ARUN
JUDGE

Sru



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APPENDIX OF CRL.MC 9568/2024

PETITIONERS ANNEXURES

Annexure A	CERTIFIED COPY OF THE FINAL REPORT IN SC. NO: 768/2019 OF DISTRICT AND SESSIONS COURT, MANJERI
Annexure B	THE MEMORANDUM OF EVIDENCE IN CRIME NO: 273/2018 OF THENHIPALAM POLICE STATION, MALAPPURAM
Annexure C	AN AFFIDAVIT DTD: -13/06/2024 SWORN BY 2ND RESPONDENT