

**Crl. M.C. TMP No. 11 of 2020**

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

TUESDAY, THE 28TH DAY OF APRIL, 2020 /8TH VAISAKHA, 1942

**Crl. M.C. TMP No. 11 of 2020**

(Crime No.30/2020 of Kodenchery Police Station in Kozhikode Rural District)

**Petitioner/Accused No.1 :**

Nihal @ Muhammed Nihal,  
S/o. Sulaiman, aged 22 years,  
Edayattu Veedu, Koodathai P.O.,  
Kozhikode District, Pin – 673 573.

By Adv. Mathew Kuriakose

**Respondents/State & Victim:**

1. State of Kerala,  
(Crime No.30/2020 of Kodenchery Police Station),  
represented by the Public Prosecutor,  
High Court of Kerala, Ernakulam – 682 031.
2. Joseph P Sojan, aged 20 years,  
S/o. Sojan, Vettikatt House,  
Panampilav P.O., Thottumukkam, Mukkam,  
Kozhikkode District, Pin-673 604.

R1 – By Public Prosecutor SRI.AJITH MURALI

R2 – By Adv. Moni George

THIS CRL.M.C HAVING COME UP FOR ADMISSION ON  
28.04.2020, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

**O R D E R**

This is a petition filed under Section 482 of the Code of Criminal Procedure.

2. Petitioner is the first accused in Crime No.30 of 2020 of the Kodenchery Police Station. Petitioner along with the other accused are alleged to have committed offences punishable under Sections 341, 323, 324, 506 read with Section 34 of Indian Penal Code.

3. The prosecution allegation against the petitioner is that the petitioner along with other accused persons, on 14.1.2020, attacked the second respondent with an iron pipe and caused injuries to him.

4. Heard learned counsel for the petitioner, the learned Public Prosecutor and the learned counsel for the second respondent through video conferencing.

5. Learned counsel for the petitioner submitted that the subject matter in dispute between the petitioner and the second respondent has been settled out of court. The learned counsel argued that the second respondent has filed Annexure-B affidavit before this Court stating that all disputes between him and the petitioner have been settled. Hence, Annexure-A charge sheet cum

final report and all further proceedings in Crime No.30 of 2020 of Kodancherry Police Station may be quashed.

6. The learned Public Prosecutor, on instructions, submitted that the subject matter in dispute in the above case has been settled between the petitioner and the second respondent. The learned Public Prosecutor ascertained from the second respondent regarding the settlement and he has admitted execution of Annexure B affidavit.

7. Learned counsel appearing for the second respondent also submitted that second respondent has no further grievance against the petitioner. The learned counsel vouch for the signature of second respondent in Annexure B affidavit. He stated that the second respondent has no objection for all further proceedings in Annexure A charge sheet cum final report being quashed.

8. The Hon'ble Supreme Court in **Gian Singh Vs. State of Punjab [2012 (10) SCC 303]**, has held that in appropriate cases where the High Court is satisfied that an amicable settlement between the parties, criminal proceedings can be quashed.

9. Having regard to the facts and circumstances of the case, the submissions made by learned counsel for petitioner, learned counsel for the second respondent and the learned Public

Prosecutor, and after going through the Annexure B affidavit and also the law laid down in **Gian Singh v. State of Punjab** (supra) and also on finding that there is no public interest involved in the case, I am satisfied that Annexure A charge sheet cum final report and all further proceedings in Crime No.30 of 2020 of Kodenchery Police Station can be quashed, in view of the settlement between the parties. No useful purpose will be served in continuing the proceedings, as the chances of conviction is removed. It only resulted the defacto complainant and the petitioner to unnecessary inconvenience and hardship. The settlement arrived at between the petitioner and the second respondent would only augur the interest of the community and enable the parties to live in peace and harmony.

In the result, this Criminal M.C is allowed, entire proceedings in Annexure-A charge sheet cum final report and all further proceedings in crime No.30 of 2020 of Kodenchery Police Station as against the petitioner (accused No.1) will stand quashed under section 482 of the Code of Criminal Procedure.

This Criminal M.C. is allowed accordingly.

**C.S.DIAS, JUDGE**