SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Aiman, vs State of Kerala,

Aiman, vs State of Kerala,

SooperKanoon Citation : sooperkanoon.com/1277766

Court : Kerala

Decided On : Mar-14-2025

Judge : Honourable Mr.Justice V.G.Arun

Appeal No. : Crl.MC/1639/2025

Appellant : AIMAN,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.G.ARUN FRIDAY, THE 14TH DAY OF MARCH 2025 / 23RD PHALGUNA, 1946 CRL.MC NO. 1639 OF 2025 CRIME NO.652/2016 OF AIROOR POLICE STATION, Thiruvananthapuram IN SC NO.322 OF 2018 OF ASSISTANT SESSIONS COURT/ADDITIONAL SUB COURT,ATTINGAL PETITIONERS/A1 TO A6:

1 AIMAN, S/O. MANAF,FATHIMA SADANAM, ODAYAM MUKKU, ODAYAM BHAGOM. EDAVA VILLAGE, VARKALA, THIRUVANATHAPURAM DISTRICT., PIN - 695311 2 AKASH, AGED 26 YEARS S/O. BHADRAN,BHADRAM HOUSE, KALLANKONAM, KANAMBA DESOM,VARKALA VILLAGE, THIRUVANANTHAPURAM

DISTRICT., PIN - 695141 3 VISHNU, AGED 30 YEARS S/O. VASANTHA KUMAR,PRASHANTHI HOUSE, NEAR GOVERNMENT HIGHER SECONDARY SCHOOL, POOTHAKKULAM, POOTHAKULAM VILLAGE, KOLLAM DISTRICT., PIN - 691302 4 AKBARSHA, AGED 30 YEARS S/O. ABDUL SALAM,MARUTHIKUNNU DESOM, NAVAIKULAM VILLAGE, VARKALA, THIRUVANANTHAPURAM DISTRICT., PIN - 5 SACHIN, S/O. SHAJIKUMAR,M.S. SADANAM, CHILAKKOOR DESOM, VARKALA TALUK,THIRUVANANTHAPURAM DISTRICT., PIN - 695141

6 SULTHAN, S/O. SAJEEV,SULTHAN MANZIL, KARAVARAM, ELAKAMAN VILLAGE, VARKALA, THIRUVANANTHAPURAM DISTRICT., PIN - BY ADV SHAJIN S.HAMEED RESPONDENTS/STATE & CW1: 1 STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR,HIGH COURT OF KERALA, ERNAKULAM., PIN - 682031 2 AIMAN, S/O. RAFEEK, THEKKEVILA HOUSE, CHUMADUTHANGI, CHILAKOOR DESOM, CHILAKOOR, VARKALA VILLAGE, THIRUVANANTHAPURAM DISTRICT., PIN - 695141 BY ADV RAJEE P MATHEWS SRI. M.C. ASHI, PP. THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 14.03.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 14th day of March, 2025 Petitioners are accused Nos.1 to 6 in Crime No.652 of 2016 registered at the Ayiroor Police Station for offences punishable under Sections 143, 147, 148, 341, 294(b), 323 and 308 r/w Section 149 of IPC, now pending as S.C No.322 of 2018 on the files of the Assistant Sessions Court, Attingal.

2. The crime is registered on the allegation that

at about 03:00 p.m on 01.07.2016, accused, due to prior animosity, restrained, verbally abused and assaulted the de facto complainant and hit him using an iron rod, 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 between the parties and Annexure-B 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, contents of which is 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-A final report and all further proceedings in Crime No.652 of 2016 registered at the Ayiroor Police Station, now pending as S.C. No.322 of 2018 on the files of the Assistant Sessions Court, Attingal, as against the petitioners, is quashed. Sd/- V.G.ARUN JUDGE

SSK/14/03 APPENDIX OF CRL.MC 1639/2025 PETITIONER ANNEXURES Annexure-A CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.652/2016 OF AYIROOR POLICE STATION. Annexure-B AFFIDAVIT DATED 31/01/2025 EXECUTED BY THE 2ND RESPONDENT/CW1. RESPONDENTS EXHIBITS : NIL TRUE COPY P.A. TO JUDGE

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com