

**Manikuttan, vs State of Kerala Represented by the Public Prosecutor,**

**Manikuttan, vs State of Kerala Represented by the Public Prosecutor,**

**SooperKanoon Citation :** [sooperkanoon.com/1345592](https://sooperkanoon.com/1345592)

**Court :** Kerala

**Decided On :** Apr-25-2023

**Judge :** Honourable Mr.Justice Ziyad Rahman a.a.

**Appeal No. :** Crl.MC/2110/2023

**Appellant :** Manikuttan,

**Respondent :** State of Kerala Represented by the Public Prosecutor,

**Advocate for Pet/Ap. :** Sri. Sasith M.R

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.  
TUESDAY, THE 25TH DAY OF APRIL 2023 / 5TH VAISAKHA, 1945  
PETITIONER: MANIKUTTAN AGED 51 YEARS S/O MK KUTTAPPAN,  
KAVUMPURATHU VEEDU, THEKKEKKARA COLONY, KAVUNUKK,  
THADIYOOR PO, AYROOR VILLAGE, KOIPURAM,  
PATHANAMTHITTA, PIN - 689544 BY ADV M.R.SASITH  
RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY THE  
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM,  
PIN - 682031 2 THE STATION HOUSE OFFICER KOIPURAM POLICE

STATION PATHANAMTHITTA, PIN - 689531 3 AJITHMON HARI S/O HARI, CHAKKAMATTOM, NARAKATHANI PO, MALLAPPALLY VILLAGE, KEEZHVAIPUR, PATHANAMTHITTA, PIN - 689544 BY ADV SITHARA HAMZA KIZHAKOOT THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 25.04.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**ZIYAD RAHMAN A.A., J.**

----- Crl.M.C.No.2110 of 2023  
----- Dated this the 25th day of April, 2023

## **ORDER**

Petitioner is the accused in Crime No.2358/2020 of Koipuram Police Station, Pathanamthitta. The Offences alleged against the petitioner are under Section 294(b), 324, 326, 427 and 308 of Indian Penal Code.

2. The 3rd respondent is the defacto complainant/victim. Annexure-A1 is the FIR and Annexure A-2 is the final report submitted by the police. This Criminal M.C is filed to quash all further proceedings pursuant to Annexure-A2.

3. Heard Sri. Sasith M.R. the learned Counsel appearing for the petitioner, Smt.Maya M.N the learned Public Prosecutor for the State and Smt. Sithara Hamsa Kizhakoot appearing for the 3 rd respondent.

4. Prayer for quashing the proceedings is sought mainly on

the ground that the dispute between the parties has been settled. Annexure-A3 affidavit sworn by the de facto complainant is filed along with this Crl.M.C. to substantiate the settlement. In the said affidavit, the 3rd respondent/de facto complainant had specifically acknowledged the aforesaid settlement and also conveyed the no- objection to quash the proceedings against the petitioners herein. The learned counsel appearing for the 3 rd respondent/de facto complainant also confirms the same. The learned Public Prosecutor,

upon instructions, submitted that the Station House Officer concerned has verified the veracity of the same and found it to be genuine.

5. The allegations would reveal that the dispute is purely

private in nature. In such circumstances, by applying the principles laid down by the Honourable Supreme Court in *Gian Singh v. State of Punjab and Another* [(2012) 10 SCC 303], proceedings can be quashed by invoking the powers of this Court under Section 482 Cr.P.C. This is particularly because, on account of the settlement, no fruitful purpose would be served by allowing the prosecution to continue.

In the result, this Crl.M.C. is allowed, and Annexure-A1 FIR submitted in crime No.2358 of 2020 of Koipuram Police Station and all further proceedings in S.C.No.342 of 2022 on the file of the Additional District and Session Court Judge No.III, Pathanamthitta against the petitioner are hereby quashed.

Sd/- ZIYAD RAHMAN A.A. JUDGE saap APPENDIX OF CRL.MC 2110/2023  
PETITIONER ANNEXURES Annexure A1 THE TRUE COPY OF THE FIR IN  
CRIME NO. PATHANAMTHITTA DATED 07.10.2020 Annexure A2 THE  
CERTIFIED COPY OF THE FINAL REPORT FILED BY THE 2ND RESPONDENT  
Annexure A3 THE AFFIDAVIT SWORN BY THE 3RD RESPONDENT DATED  
21.02.2023 //True Copy//PA to Judge

**SooperKanoon - India's Premier Online Legal Search - [sooperkanoon.com](http://sooperkanoon.com)**