

**Aneesh vs State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1445844](http://sooperkanoon.com/1445844)

**Court :** Kerala

**Decided On :** Apr-12-2022

**Judge :** Honourable Mr.Justice Mohammed Nias C.P.

**Appeal No. :** Crl.MC/599/2022

**Appellant :** Aneesh

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.  
TUESDAY, THE 12TH DAY OF APRIL 2022 / 22ND CHAITHRA, 1944  
CRL.MC NO. 599 OF 2022 CRIME NO.260/2019 OF Koraty Police  
Station, Thrissur PETITIONER: ANEESH AGED 32 YEARS SON OF  
AYYAPPAN KAKKATT HOUSE, WEST KORATTY DESOM, KALLUR  
THEKKUM MURRY VILLAGE THRISSUR, PIN - 680308 BY ADV  
JITHIN BABU A RESPONDENTS: 1 STATE OF KERALA  
REPRESENTED BY PROSECUTOR, HIGH COURT OF KERALA  
ERNAKULAM, PIN - 682031 2 DAVIS AGED 55 YEARS  
EDATHIPARAMBIL HOUSE,WEST KORATTY DESOM , KALLUR,  
THEKUM MURRY, KORATTY THRISSUR, PIN - 680308 BY ADV Arun

Samuel BY SRI. M.P.PRASANTH, PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12.04.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

## **ORDER**

Dated this the 12th day of April, 2022 Petitioner is the sole accused in Crime No.260/2019 of Koratty Police Station, Thrissur District and the offences alleged against the petitioner is under Sections 308, 324, 341 and 506 of the Indian Penal Code.

2. The allegation is that on 31.03.2019 at about

7.00 p.m., the accused wrongfully restrained the 2 nd respondent/defacto complainant as well as assaulted and injured him and thereby committed the aforesaid offences.

3. Heard the learned counsel for the petitioner, the learned Public Prosecutor as well as the learned counsel for the second respondent.

4. It is submitted by respective counsel that the petitioner and the second respondent have arrived at an amicable settlement and Annexure 3 is the affidavit filed. The affidavit, inter alia, state that all the disputes are settled and that the pendency of criminal proceeding would cause hardship to all the parties.

5. From the submission across the Bar and

perusing the criminal M.C. and the affidavit referred above, I am satisfied that there has been an amicable settlement and that there is no vitiating circumstances in the respondent filing the affidavit. No purpose will be served by continuing the proceedings in the above circumstances. It is submitted by the learned Public Prosecutor that the statement of the defacto complainant has also been taken to verify the genuineness of the settlement.

6. In view of the judgment of the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another [2012 (10) SCC 303] and considering the

**facts and circumstances of the case and in exercise of**

power of this Court under Section 482 of the Code of Criminal Procedure, I hereby quash Annexures 1 and 2, FIR and Final Report respectively and all further proceedings in Crime No.260/2019 of Koratty Police Station, Thrissur District against this petitioner. The CrI.MC is allowed as above. Sd/- MOHAMMED NIAS  
C.P. JUDGE

SSK/12/04 APPENDIX PETITIONER'S: Annexure1 A CERTIFIED COPY OF FIR DATED 01/04/2019 IN CRIME NO.260/2019 OF KORATTY POLICE STATION, THRISSUR DISTRICT Annexure2 A CERTIFIED COPY OF FINAL REPORT DATED BEFORE JFCM COURT, CHALAKUDY. Annexure3 THE AFFIDAVIT DATED 24/12/2021 SWORN BY THE 2ND RESPONDENT/DEFACTO COMPLAINANT. RESPONDENT'S EXHIBITS:NIL SSK //TRUE COPY// PA TO JUDGE

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