

**Harikrishnan M. vs State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1596749](http://sooperkanoon.com/1596749)

**Court :** Kerala

**Decided On :** Feb-26-2021

**Judge :** Honourable Mr.Justice V.G.Arun

**Appeal No. :** Crl.MC/369/2021

**Appellant :** Harikrishnan M.

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.G.ARUN FRIDAY, THE 26TH DAY OF FEBRUARY 2021 / 7TH PHALGUNA, 1942 PROCEEDINGS IN S.C.NO.489/2019 OF SPECIAL COURT FOR SC/ST ACT CASES, MANJERI CRIME NO.79/2018 OF THENHIPALAM POLICE STATION, MALAPPURAM PETITIONER/ACCUSED: HARIKRISHNAN M. AGED 24 YEARS S/O. KRISHNADAS, MADATHILPRAMBILL (H) CHELEMBRA, MALAPPURAM (DIST), PIN - 673 634. BY ADVS. SRI.AASHIQUE AKTHAR HAJJIGOTHI SMT.KEERTHANA J. RAMESH RESPONDENTS/COMPLAINANT & DEFACTO COMPLAINANT:

1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. 2 VELAYUDHAN S/O. MUNDAN, AGED 60 YEARS, MALAMPARAMBIL (H) CHELEMBRA, MALAPPURAM, PIN - 673 634. 3 SURESHKUMAR S/O. RAMAN CHATTIAR, AGED 55 YEARS, AGED 55 YEARS, MADATHIL (H) THIRUVANGATTU THAZHAM, CHELEMBRA, MALAPPURAM, PIN - 673 636. R2 TO R3 BY ADV. MOHAMED ASLAM R1 BY SRI.C.S.HRITHWIK, PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26.02.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

## **ORDER**

Dated this the 18th day of February 2021

Petitioner is the accused in Crime No.79 of 2018 registered at the Thenhipalam Police Station for offences punishable under Sections 341, 323 and 324 of IPC and 3(1)(s), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, now pending as S.C.No.489 of 2019 on the files of Special Court for SC/ST Act Cases, Manjeri. The de facto complainant and the other injured person are arrayed as respondents 2 and 3. Annexures - B and C affidavits have been filed by respondents 2 and 3 stating that the dispute, which led to registration of the crime, has been settled amicably and that they have no subsisting grievance in the matter.

2. Heard the learned Public Prosecutor also, who, on instructions, submits that the petitioner has no criminal antecedents.

3. Having considered the gravity of the offences alleged and

having perused the affidavit filed by respondents 2 and 3, the contents of which are submitted to be true and voluntary, I am satisfied that the dispute is settled and that no public interest is involved in this matter.

Moreover, in view of the settlement, possibility of the criminal proceedings ending in conviction is

remote. 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 sought. In the result, this CrI.M.C is allowed. The proceedings in S.C.No.489 of 2019 on the files of Special Court for SC/ST Act Cases, Manjeri is quashed. Sd/- V.G.ARUN JUDGE DK

APPENDIX PETITIONER'S EXHIBITS: ANNEXURE A CERTIFIED COPY OF FINAL REPORT IN C.C. NO. 123/2019 OF SPECIAL COURT FOR SC/ST ACT CASES MANJERI MALAPPURAM. ANNEXURE B AFFIDAVIT DTD. 06/01/2021 SWORN BY 2ND RESPONDENT. ANNEXURE C AFFIDAVIT DTD. 06/01/2021 SWORN BY 3RD RESPONDENT STAY PETITION. RESPONDENTS' EXHIBITS: NIL

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