

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE V.G.ARUN

WEDNESDAY, THE 26TH DAY OF AUGUST 2020 / 4TH BHADRA, 1942

Crl.MC.No.3580 OF 2020(F)

CRIME NO.81/2020 OF Melattur Police Station , Malappuram

PETITIONER/S:

- 1 RADHAKRISHNAN T.,  
AGED 54 YEARS  
S/O. KUNHAN EZHUTHACHAN THUVATTUTHODI (HOUSE),  
CHEMMANTHATTA, MELATTUR,  
MALAPPURAM DISTRICT 679 326.
- 2 RAJESH.,  
AGED 46 YEARS  
S/O. KUNHAN EZHUTHACHAN,  
THUVATTUTHODI (HOUSE), CHEMMANTHATTA, MELATTUR,  
MALAPPURAM DISTRICT 679 326.
- 3 RAJEEV.T.,  
AGED 38 YEARS  
S/O. KUNHAN EZHUTHACHAN,  
THUVATTUTHODI (HOUSE), CHEMMANTHATTA,  
MALAPPURAM DISTRICT 679 326.
- 4 BALAKRISHNAN,  
AGED 71 YEARS  
S/O. NARAYANEZHUTHACHAN  
THUVATTUTHODI (HOUSE), CHEMMANTHATTA,  
MALAPPURAM DISTRICT 679 326.

BY ADV. SRI.SOJAN MICHEAL

RESPONDENT/S:

- 1 STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH  
COURT OF KERALA, ERNAKULAM , KOCHI 682 031.

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SANTHOSHKUMAR  
S/O. LATE RAMACHANDRAN,  
THUVATTUTHODIKA (HOUSE), CHEMMANTHATTA,  
MELATTUR, MALAPPURAM DISTRICT 679 326.

R2 BY ADV. ANTONY ROBERT DIAS

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 26.08.2020, ALONG WITH Crl.MC.3631/2020(D), THE COURT ON  
THE SAME DAY PASSED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

WEDNESDAY, THE 26TH DAY OF AUGUST 2020 / 4TH BHADRA, 1942

Crl.MC.No.3631 of 2020(D)

CRIME NO.82/2020 OF Melattur Police Station , Malappuram

PETITIONER/S:

SANTHOSH KUMAR  
AGED 45 YEARS  
S/O. LATE RAMACHANDRAN  
THUVATTU THODIKA (HOUSE)  
CHEMMANTHATTA, MELATTUR  
MALAPPURAM DISTRICT. PIN-679 326.

BY ADV. SRI.ANTONY ROBERT DIAS

RESPONDENT/S:

- 1 STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031.
- 2 BALAKRISHNAN  
S/O. NARAYANEZHUTHACHAN,  
AGED 70 YEARS, THUVATTUTHODIKA (HOUSE)  
CHEMMANTHATTA, MALAPPURAM DISTRICT,  
PIN - 679 326.

R2 BY ADV. SOJAN MICHEAL

OTHER PRESENT:

SR.PP.T.R.RENJITH AND PP SREEJA V.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26.08.2020, ALONG WITH Crl.MC.3580/2020(F), THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 26<sup>th</sup> day of August, 2020

Petitioners in Crl.M.C No.3580 of 2020 are the accused in Crime No.81 of 2020 registered at the Melattoor Police Station for offences punishable under Sections 323, 324, 294 (b), 506 r/w 34 of IPC. The petitioner in Crl.M.C No.3631 of 2020 is the accused in Crime No.82 of 2020 registered at the Melattoor Police Station for offences punishable under Sections 323 and 294 (b) of IPC. The crimes are registered based on a dispute regarding pumping of water to the agricultural lands of the petitioner's and the party respondents in both cases, who are the de facto complainants and the accused in the crimes. Affidavits have been filed by the party respondents stating that the dispute which led to registration of the crimes has been settled

amicably and they have no subsisting grievance in the matter.

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

3. Having considered the gravity of the offences alleged, nature of the injury caused and having perused the affidavits filed by the de facto complainants and the injured arrayed as party respondents in the Crl.M.Cs, 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.

In the result, these Crl.M.C are allowed. The FIRs and further proceedings in Crime Nos.81 of 2020 and 82 of 2020 are quashed.

Sd/-  
V.G.ARUN  
JUDGE

Scl/26.08

## **APPENDIX OF Crl.MC 3580/2020**

### **PETITIONER'S/S EXHIBITS:**

- |                    |   |
|--------------------|---|
| <b>ANNEXURE 1</b>  | <b>CERTIFIED COPY OF THE CRIME NO. 81/2020<br/>OF MELATTOOR POLICE STATION, MALAPPURAM<br/>DISTRICT DATED 14.03.2020.</b> |
| <b>ANNEXURE II</b> | <b>AFFIDAVIT DATED 22.07.2020 SWORN BY THE<br/>2ND RESPONDENT.</b>  |

## **APPENDIX OF Crl.MC 3631/2020**

### **PETITIONER'S/S EXHIBITS:**

**ANNEXURE 1** CERTIFIED COPY OF THE CRIME NO. 82/2020 OF MELATTOOR POLICE STATION, MALAPPURAM DISTRICT DATED 15.03.2020.

**ANNEXURE II** AFFIDAVIT DATED 22.07.2020 SWORN BY THE 2ND RESPONDENT.