

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE MOHAMMED NIAS C.P.

FRIDAY, THE 31ST DAY OF DECEMBER 2021 / 10TH POUSHA, 1943

CRL.MC NO. 2328 OF 2021

AGAINST CRIME NO.278 OF 2021 OF HOSDURG POLICE STATION, KASARAGOD

PETITIONER/ACCUSED:

SAHAL ABDUL NAZAR
AGED 22 YEARS, S/O ABDUL NAZAR,
KUMBALA ROAD, PARAPALLY, PULLUR VILLAGE,
HOSDURG TALUK, KASARAGOD DISTRICT.

BY ADV A.ARUNKUMAR

RESPONDENTS/STATE/COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.
- 2 XXX
(VICTIM IN CRIME NO.278 OF 2021 OF HOSDURG POLICE
STATION)

BY ADV VIPIN T JOSE

OTHER PRESENT:

ADV. RANJIT GEORGE-PP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
31.12.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

The petitioner is the accused in Crime No.278/2021 of Hosdurg Police Station, Kasaragod and the offences alleged against the petitioner are under Sections 354, 354D(1) of the Indian Penal Code and Section 120(o) of the Kerala Police Act.

2. The allegation is that since November, 2020 onwards, the accused followed the *defacto* complainant and had sent messages through phone, causing nuisance to her and on 26.03.2021 at 20.00 hours at the courtyard of the *defacto* complainant at Bavanagar of Kanhangad village, the accused caught hold of her hand and outraged her modesty. Thereby committed the offence as alleged by the prosecution.

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

4. It is submitted by respective counsel that the petitioner and the third respondent have arrived at an amicable settlement and Annexure A-II is the affidavit filed. The affidavit, *inter alia*, states 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.

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 Annexure A-I First Information Report and all further proceedings in Crime No.278

of 2021 of Hosdurg Police Station against the petitioner herein.

The Crl.MC is allowed as above.

Sd/-

MOHAMMED NIAS C.P.

JUDGE

Skk

APPENDIX OF CRL.MC NO. 2328 OF 2021

PETITIONER'S ANNEXURES:-

Annexure AI	A TRUE COPY OF THE F.I.R. IN CRIME NO.278 OF 2021 OF HOSDURG POLICE STATION.
Annexure AII	A TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT.

RESPONDENTS' ANNEXURES:- NIL