

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. 4120 OF 2021

**CRIME NO.148/2019 OF Hosdurg Police Station, Kasargod
AGAINST THE ORDER/JUDGMENT IN SC 399/2019 OF ADDITIONAL DISTRICT
COURT & SESSIONS COURT - III, KASARAGOD / III ADDITIONAL MACT,
KASARAGODE**

PETITIONERS/ACCUSED :-

- 1 ARUN M.
 AGED 22 YEARS
 S/O. ANANDAB M.,
 R/AT THEEYANA KOTHI MOOLA,
 KALYAN ROAD, BALLA VILLAGE,
 HOSDURG TALUK, KASARGOD DISTRICT.**
- 2 VIMAL PRASAD K.
 AGED 24 YEARS
 S/O. MADHAVAN,
 R/AT PALLYATH HOUSE,
 THEEYANA KOTHI MOOLA, KALYAN ROAD,
 BALLA VILLAGE, HOSDURG TALUK,
 KASARGOD DISTRICT.**
- 3 PRASANTH M.
 AGED 22 YEARS
 S/O. PRABHAKARAN,
 R/AT MYKANAM HOUSE, KALYAN ROAD,
 BALLA VILLAGE, HOSDURG TALUK,
 KASARGOD DISTRICT.**

BY ADV A.ARUNKUMAR

RESPONDENTS/STATE/COMPLAINANT :-

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

**2 SIJIN K
 AGED 32 YEARS
 S/O. BABU C., R/AT ATHIKOTH,
 AC NAGARA, BALLA VILLAGE, HOSDURG TALUK,
 KASARGOD DISTRICT.**

**3 SUJITH A.
 AGED 26 YEARS
 S/O. SUKUMARAN A., R/AT CHERIKKAL VEEDU,
 ATHIKKOTH, BALLA VILLAGE, HOSDURG TALUK,
 KASARGOD DISTRICT.**

**BY ADV VIPIN T JOSE
 SRI.RENJITH 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 petitioners are the accused in Crime No.148/2019 of Hosdurg Police Station, which is now pending as S.C.No.399 of 2019 on the files of the Additional District and Sessions Judge-III, Kasargod and the offences alleged against the petitioner are under Sections 341, 323, 326 and 308 r/w Section 34 of the Indian Penal Code.

2. The allegation is that on 23.02.2019 at 21.30 hours the accused attacked the defacto complainant and his friends with stones and hands and thereby committed the aforesaid offences.

3. Heard the learned counsel for the petitioners, the learned Public Prosecutor as well as the learned counsel for the respondents 2 and 3.

4. It is submitted by respective counsel that the

petitioners and the respondents 2 and 3 have arrived at an amicable settlement and Annexures A-III and IV are the affidavits filed. The affidavits, 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 affidavits referred above, I am satisfied that there has been an amicable settlement and that there is no vitiating circumstances in the respondents filing the affidavits. 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-II Final Report and all further proceedings

in S.C.No.399 of 2019 on the files of the Additional District and Sessions Judge-III, Kasargod in Crime No.148 of 2019 of Hosdurg Police Station against petitioners 1 to 3 herein.

The Crl.MC is allowed as above.

Sd/-

**MOHAMMED NIAS C.P.
JUDGE**

SMA

APPENDIX

PETITIONER ANNEXURES

Annexure AI	CERTIFIED COPY OF THE FIR IN CRIME NO.148 OF 2019 OF HOSDURG POLICE STATION.
Annexure AII	CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.148 OF 2019 OF HOSDURG POLICE STATION.
Annexure AIII	THE AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT.
Annexure AIV	THE AFFIDAVIT SWORN TO BY THE 3RD RESPONDENT.