

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. 4379 OF 2021
AGAINST THE ORDER/JUDGMENT IN CC 3515/2017 OF JUDICIAL
MAGISTRATE OF FIRST CLASS -II, KOLLAM

PETITIONERS/ACCUSED :-

- 1 SONU
AGED 28 YEARS
S/O. SOMAN PILLAI, RESIDING AT KALAYIL PADINJATATHIL,
KUTTIKKADA, KUTTIKADA P.O MAYYANAD VILLAGE,
KOLLAM, PINCODE-691 020. (A1)
- 2 SUBIN KUMAR
AGED 33 YEARS
S/O. SOMAN PILLAI, RESIDING AT KALAYIL
PANDINJATATHIL, KUTTIKKADA, KUTTIKADA P.O.,
MAYYANAD VILLAGE, KOLLAM, PINCODE-691 020 (A2).
- 3 VISHAKH
AGED 29 YEARS
S/O. ANILKUMAR, RESIDING AT ANILALAYAM VETTIL,
KUTTIKKADA, KUTTIKADA P.O., MAYYANAD VILLAGE,
KOLLAM, PIN CODE-691 020 (A3).
- 4 AJITH
AGED 28 YEARS
S/O. GIRESHAN, RESIDING AT MUKKADAYIL VEEDU,
MAYYANADU THEKKUMKARA CHERYL, KUTTIKKADA,
KUTTIKADA P.O., MAYYANAD VILLAGE, KOLLAM,
PINCODE-691 020. (A4)

BY ADV B.DIPU SACH DEEV

RESPONDENTS :-

- 1 STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,

HIGH COURT OF KERALA, ERNAKULAM, PINCODE-682 031.

- 2 THE SUB INSPECTOR OF POLICE,
ERAVIPURAM POLICE STATION, KOLLAM CITY,
KOLLAM, PINCODE-691 011.

- 3 SANDHYA KUMARI.R
AGED 34 YEARS
W/O. SURESHBABU, RESIDENT OF RESIDING AT
THOOLIKA, KUTTIKKADA, KUTTIKADA P.O.,
MAYYANAD VILLAGE, KOLLAM, PINCODE-691 020.

BY ADV ARUN BABU
SRI.ARAVIND, 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 accused in Crime No.2078/2017 of Eravipuram Police Station, which is now pending as C.C.No.3515 of 2017 on the files of Judicial First Class Magistrate-II, Kollam and the offences alleged against the petitioners are under Sections 143, 147, 294(b), 341, 427, 354 and 509 r/w Section 149 of the Indian Penal Code.

2. The allegation is that on 05.09.2017, the defacto complainant returned from the venue after the accused got into trouble during the onam celebrations, was stopped on the way and outraged the modesty of the defacto complainant 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 third respondent.

4. It is submitted by respective counsel that the

petitioners and the third respondent have arrived at an amicable settlement and Annexure A2 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 AI Final Report and all further proceedings in Crime

No.2078/2017 of Eravipuram Police Station, which is now pending as C.C.No.3515 of 2017 on the files of Judicial First Class Magistrate-II, Kollam against petitioners 1 to 4.

The Crl.MC is allowed as above.

Sd/-

**MOHAMMED NIAS C.P.
JUDGE**

SMA

APPENDIX

PETITIONER ANNEXURES :-

Annexure A1	CERTIFIED COY OF THE CHARGE SHEET/FINAL REPORT DATED IN C.C.NO.3515/2017 DATED ON 7.11.2017.
Annexure A2	ORIGINAL AFFIDAVIT OF 3RD RESPONDENT DATED 23.2.2021.