
(2021) 01 KL CK 0329

In the High Court Of Kerala

Case No : Criminal Miscellaneous Case No. 5881 Of 2020

Ajay Krishnan And Ors

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 13-01-2021

Acts Referred:

Indian Penal Code, 1860 — Section 143, 144, 147, 148, 149, 323, 324

Citation : (2021) 01 KL CK 0329

Hon'ble Judges : V.G. Arun, J

Bench : Single Bench

Advocate : Mathew Kuriakose, Moni George, J. Krishnakumar

Final Decision : Allowed

Judgement

1. Petitioners are the accused in Crime No.816 of 2019 registered at the Adoor Police Station for offences punishable under Sections 143, 144, 147, 148, 323 and 324 r/w 149 of IPC, now pending as C.C.No.1561 of 2019 on the files of the Judicial First Class Magistrate Court-I, Adoor. The de facto

complainant at whose instance the crime was registered is arrayed as the second respondent. Annexure B affidavit has been filed by the second

respondent stating that the dispute which led to registration of the crime, has been settled amicably and he has 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 affidavit filed by the second respondent,

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. The fact that the petitioners and the de facto complainant were students

when the accident occurred, is also taken into consideration.

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 Crl.M.C is allowed. The proceedings in C.C.No.1561 of 2019 on the files of the Judicial First Class Magistrate Court-I, Adoor, is quashed.