

(2021) 08 KL CK 0133

In the High Court Of Kerala

Case No : Criminal Miscellaneous Application No. 2825 Of 2021

Akhil

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 17-08-2021

Acts Referred:

Code of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 34, 363

Citation : (2021) 08 KL CK 0133

Hon'ble Judges : Gopinath P, J

Bench : Single Bench

Advocate : Jithin Babu A, Arun Samuel

Final Decision : Allowed

Judgement

Gopinath P, J

1. The petitioners are the accused in CC 270/2018 on the file of the Judicial First Class Magistrate-II, Thrissur alleging commission of offences under

Sections 363 read with Section 34 of IPC. The allegation against the petitioners is that they kidnapped a minor girl from the lawful custody of her

parents. The 2nd respondent is the defacto complainant. With reference to Annexure-A3 to A5 affidavits, it is submitted that the entire disputes

between the parties have been settled and that the continuation of the proceedings will result in miscarriage of justice.

2. I have heard the learned counsel for the petitioners and the learned counsel appearing for respondents 2 to 4 and the learned Public Prosecutor

appearing for the State of Kerala.

3. The Hon'ble Supreme Court in Gian Singh v. State of Punjab [2012 (10) SCC 303] and Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai

Karmur and others vs. State of Gujarat and another [(2017) 9 SCC 641]h as held that considering the facts and circumstances of a case, where

the High Court is satisfied that an amicable settlement has been arrived between the parties and the offence is not serious in nature involving mental

depravity etc., criminal proceedings may be quashed, in order to secure the ends of justice.

4. Considering the facts of the case and the nature of the offence and keeping in mind the principles laid down by the Supreme Court in the decisions

referred to above, I am of the opinion that this is a fit case where the inherent jurisdiction of this Court under Section 482 of the Code of Criminal

Procedure can be invoked to quash the proceedings. Apparently, no public interest is involved. The chances of a successful prosecution are also

remote. It will be a wastage of judicial time to continue with the prosecution against the petitioners. In the result this CrI. M.C. is allowed and all

further proceedings in CC 270/2018 on the file of the Judicial First Class Magistrate-II, Thrissur will stand quashed as against the petitioners.