
(2020) 12 KL CK 0262

In the High Court Of Kerala

Case No : Criminal Miscellaneous Case No. 5309 Of 2020 (C)

Anju And Ors

APPELLANT

Vs

State Of Kerala And Anr

RESPONDENT

Date of Decision : 15-12-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 294(b), 323, 341
Hindu Marriage Act, 1955 — Section 13B

Citation : (2020) 12 KL CK 0262

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

Bench : Single Bench

Advocate : V.M. Syam Kumar, P.F. Rosy, S. Hrithwik

Final Decision : Allowed

Judgement

1. Petitioners are the accused in Crime No.975/2018 registered at the Chavara Police Station, for offences punishable under Sections 341, 294(b) and

323 r/w 34 of IPC, now pending as S.T.No.538/2018 on the files of the Gramanyayalaya Court, Chavara. The de facto complainant, at whose

instance the crime was registered, is the 2nd petitioner's wife and is arrayed as the 2nd respondent herein. Annexure-4 affidavit has been filed by

the 2nd respondent stating that the matrimonial dispute between her and the 2nd petitioner had compelled her to submit the complaint leading to

registration of the crime, which issue has been resolved amicably. That, the parties have filed a joint petition for divorce under Section 13B of the

Hindu Marriage Act before the Family Court, Thrissur, and that, she has no subsisting grievance against the petitioners.

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 2nd respondent, the contents of which are submitted to be true and voluntary, I am satisfied that the dispute is settled and no public interest is involved in this matter.

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 S.T.No.538/2018 on the files of the Gramanyayalaya Court, Chavara is quashed.