

(2020) 12 KL CK 0338

In the High Court Of Kerala

Case No : Criminal Miscellaneous Case No. 5210 Of 2020 (A)

Ansar And Ors

APPELLANT

Vs

State Of Kerala And Anr

RESPONDENT

Date of Decision : 21-12-2020

Acts Referred:

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

Citation : (2020) 12 KL CK 0338

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

Bench : Single Bench

Advocate : G. Santhosh Kumar, T.K. Nazar, Sreeja V.

Final Decision : Allowed

Judgement

1. Petitioners are the accused in Crime No.764 of 2017 registered at the Chengamanad Police Station for offences punishable under Sections 323, 324, 143, 147, 148 and 149 of IPC, now pending as CC No.1008/2020 of Judicial Magistrate of First Class, Aluva. The de facto complainant, at whose instance the crime was registered is the 2nd respondent. Annexure A3 affidavit has been filed by the 2nd respondent, stating that the dispute has been settled and that he 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 that no public interest is involved in this matter.
- That, the petitioners and the injured were students when the incident 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.

4. In the result, this Crl.M.C is allowed. The proceedings in CC No.1008/2020 of Judicial Magistrate of First Class, Aluva is quashed.