

(2020) 12 KL CK 0251

In the High Court Of Kerala

Case No : Criminal Miscellaneous Case No. 5179 Of 2020 (F)

Anwarsha And Ors

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 15-12-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 498A

Citation : (2020) 12 KL CK 0251

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

Bench : Single Bench

Advocate : K. Rakesh, K.S. Praveen, C.S. Hrithwik

Final Decision : Allowed

Judgement

1. Petitioners are the accused in Crime No.164/2019 registered at the Chavara Police Station, for the offence punishable under Section 498-A r/w 34

of IPC, now pending as C.C.No.406/2019 on the files of the Judicial First Class Magistrate Court, Chavara. The de facto complainant, at whose

instance the crime was registered, is the 1st petitioner's wife and is arrayed as the 3rd respondent herein. Annexure-B affidavit has been filed by

the 3rd respondent stating that the matrimonial dispute, which had compelled her to submit the complaint leading to registration of the crime, has been

resolved amicably and the parties are residing separately and hence, 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 3rd 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 C.C.No.406/2019 on the files of the Judicial First Class Magistrate Court, Chavara is

quashed.