
(2021) 05 KL CK 0148

In the High Court Of Kerala

Case No : Criminal Miscellaneous Case No. 2605 Of 2021

E.V. Shibu And Ors

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 14-05-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 294(b), 323, 324, 326, 341

Citation : (2021) 05 KL CK 0148

Hon'ble Judges : P.V. Kunhikrishnan, J

Bench : Single Bench

Advocate : Thomas J. Anakkallunkal, K.R. Sunil, C.S. Hrithwik

Final Decision : Allowed

Judgement

1. The petitioners are accused in Crime No.1507/2017 of Kalamassery Police Station. The above case is registered against the petitioners alleging offences punishable under Sections 326, 324, 323, 341, 294(b) r/w Section 34 of IPC.

2. When this matter came up for consideration, the learned counsel for the petitioners submitted that the entire disputes between the petitioners and the second respondent in this case are settled out of court. A counsel appeared for the second respondent. The counsel also submitted that the matter is settled. The Public Prosecutor submitted that the settlement reported is genuine. In the light of the above facts, there is no purpose in continuing this criminal prosecution against the petitioners.

3. Having considered the gravity of the offences alleged, nature of the injury caused and having perused the affidavit filed by the respondent No. 2 the contents of which are submitted to be true and voluntary, I am satisfied that the matter has been amicably settled and that no public interest is involved

in this matter. Moreover, in view of the settlement arrived at between the parties, there is no possibility of the criminal proceedings ending in

conviction. 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.

Hence, this CrI.M.C. is allowed. All further proceedings in Crime No. 1507/2017 of Kalamassery Police Station are quashed.