

**(2024) 11 KL CK 0098**

**In the High Court Of Kerala**

**Case No :** Criminal Miscellaneous Petition No. 5125 Of 2020

Greeshma

APPELLANT

Vs

State Of Kerala

RESPONDENT

**Date of Decision :** 11-11-2024

**Acts Referred:**

Indian Penal Code, 1860 — Section 34, 294(b), 308, 323, 354, 451, 506(ii)

**Citation :** (2024) 11 KL CK 0098

**Hon'ble Judges :** S.Manu, J

**Bench :** Single Bench

**Advocate :** P.Anoop, A.Chandra Babu, Nima Jacob

**Final Decision :** Allowed

## Judgement

S.Manu, J

1. Accused 1 to 7 in Crime No.989 of 2020 of Managalapuram Police Station, Thiruvananthapuram are the petitioners in this Crl.M.C. Offences alleged against the petitioners are under Sections 294(b), 323, 354, 506(ii), 451, 308 and 34 of Indian Penal Code.

2. Now the proceedings arising from the crime is pending as C.C.No.178 of 2021 before the Judicial First Class Magistrate Court - II, Attingal. The petitioners approached this Court stating that the dispute between the petitioners and the defacto complainant has been amicably settled. They produced affidavit of the defacto complainant as Annexure A2. In the said affidavit, the defacto complainant has stated that she has no objection in acquitting the petitioners by accepting the affidavit. She further stated that she is not interested to continue with the criminal proceedings against the petitioners.

3. By order dated 29.08.2024, this Court directed the Station House Officer of Mangalapuram Police Station to record the statement of the 2nd respondent/ defacto complainant.

4. In compliance with the order passed by this Court, the Inspector of Police and Station House Officer of Mangalapuram Police Station got a signed statement of the defacto complainant recorded. The said statement along with the report forwarded by the Station House Officer has been handed over by the learned Public Prosecutor. In her statement, the defacto complainant has stated that the accused are still causing difficulties to her and she is not prepared to withdraw from the prosecution. She further stated that she is not agreeable for quashing the FIR on the basis of settlement. She further alleges in the statement that this Crl.M.C was filed before this Court without her knowledge or consent.

5. The only ground raised in this Crl.M.C in support of the prayer to quash the FIR is the alleged settlement. However, the defacto complainant has firmly informed the Police that she is not interested to withdraw the prosecution and there is no settlement between the parties. This has been further verified by the Station House Officer as narrated above.

In the above circumstances, I am of the considered view that the prayer in this Crl.M.C cannot be granted. Therefore, this Crl.M.C is dismissed. However, it will be open to the petitioners to move for discharge, if they are advised so.