

(2021) 01 KL CK 0435

In the High Court Of Kerala

Case No : Criminal Miscellaneous Case No. 5549 Of 2020

Harikrishnan And Ors

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 19-01-2021

Acts Referred:

Indian Penal Code, 1860 — Section 143, 147, 148, 149, 394(b), 308, 323, 324

Citation : (2021) 01 KL CK 0435

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

Bench : Single Bench

Advocate : Philip T. Varghese, Thomas T. Varghese, Achu Subha Abraham, Shruthi Sara Jacob, Adhil P, S. Sandeep, M. Sriram, Sidharth R. Wariyar, Ebee Antony, Shabeer Ali Mohamed, C.S. Hrithwik

Final Decision : Allowed

Judgement

1. Petitioners are the accused in Crime No.1360 of 2019 registered at the Peroorkada Police Station for the offence punishable under Sections 143,

147, 148, 294(b), 341, 323, 324, 308 r/w 149 of IPC, now pending as C.P.No.15 of 2019 of Judicial Magistrate of First Class- XI, Thiruvananthapuram.

The de facto complainants/injured at whose instance the crime was registered are respondents 3, 4 and 5. Annexure A3 affidavit has been filed by the

3rd respondent, Annexure 4 by the 4th respondent and Annexure 5 by the 5th respondent stating that the dispute has been settled and that they have

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 respondents 3, 4 and

5, 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. 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 Judicial Magistrate of First Class- XI, Thiruvananthapuram is quashed.