

(2021) 01 KL CK 0514

In the High Court Of Kerala

Case No : Criminal Miscellaneous Case No. 2048 Of 2020

Janardanan And Ors

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 21-01-2021

Acts Referred:

Indian Penal Code, 1860 — Section 143, 147, 148, 149, 308, 324

Citation : (2021) 01 KL CK 0514

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

Bench : Single Bench

Advocate : Prasun S, N.A Retheesh, M. Revikrishnan, T.R. Renjith

Final Decision : Allowed

Judgement

1. Petitioners are the accused in Crime No.368 of 2019 registered at the Vadakkenchery Police Station for offences punishable under Sections 143, 147, 148, 324 and 308 r/w 149 of IPC, pending as C.P.No.73 of 2019 on the files of the Judicial First Class Magistrate Court, Alathur. The de facto

complainant, at whose instance the crime was registered, is arrayed as the second respondent. Annexure A2 affidavit has been filed by the second

respondent stating that the dispute which led to registration of the crime, has been settled amicably and he has no subsisting grievance in the matter.

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 second 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. 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.

Annexure I FIR and all proceedings in Crime No.368 of 2019 registered at the Vadakkenchery Police Station, pending as C.P.No.73 of 2019 on the files of the Judicial First Class Magistrate Court, Alathur, is quashed.