
(2021) 03 KL CK 0136

In the High Court Of Kerala

Case No : Criminal Miscellaneous No. 1168 Of 2021

Jishnu D.P And Ors

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 12-03-2021

Acts Referred:

Indian Penal Code, 1860 — Section 143, 147, 149, 294 (b), 323, 341

Citation : (2021) 03 KL CK 0136

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

Bench : Single Bench

Advocate : R.N Sandeep, Jithin Babu, T.R Renjith

Final Decision : Allowed

Judgement

1. Petitioners are the accused in Crime No.665 of 2019 registered at the Nagaroor Police Station for offences punishable under Sections 143,147,149,341,323 and 294 (b) of IPC. The de facto complainant, at whose instance the crime was registered is arrayed as the 2nd respondent. Annexure A2 affidavit has been filed by 2nd respondent stating that the dispute, which led to registration of the crime, has been settled amicably and that 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 2nd 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. Annexure A1 FIR and all proceedings in Crime No. 665 of 2019 of Nagaroor Police Station, Thiruvananthapuram is quashed.