

(2020) 11 KL CK 0147

In the High Court Of Kerala

Case No : Criminal Misc Case No. 5258 Of 2020 (F)

Muhammed Anzi And Anr

APPELLANT

Vs

State Of Kerla And Anr

RESPONDENT

Date of Decision : 26-11-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 323, 324, 506

Citation : (2020) 11 KL CK 0147

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

Bench : Single Bench

Advocate : R.N. Sandeep, Rahul S.R., Amjad Ali

Final Decision : Allowed

Judgement

1. The petitioners are accused Nos. 1 and 2 in Crime No. 1923 of 2019 registered at the Kollam East Police Station for offences punishable under

Sections 323, 324, 506 r/w 34 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 the 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 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 CrI.M.C is allowed. Annexure-A1 First Information Report and all proceedings in Crime No.1923 of 2019 of Kollam East Police

Station, is quashed.