

(2021) 01 KL CK 0511

In the High Court Of Kerala

Case No : Criminal Miscellaneous Case No. 5582 Of 2020

Muhammed Rafi And Ors

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 21-01-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 406, 420, 468

Citation : (2021) 01 KL CK 0511

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

Bench : Single Bench

Advocate : C.P. Roopa, Akbar K.A, Deepak Raj

Final Decision : Allowed

Judgement

1. Petitioners are the accused in Crime No.1261 of 2020 registered at the Mala Police Station for offences punishable under Sections 420, 406 and

468 r/w 34 of IPC. The de facto complainant, at whose instance the crime was registered, is arrayed as the 2nd respondent. Annexure II affidavit has

been filed by the 2nd 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. It is also submitted that

based on the settlement, further action in the crime has been dropped and report to that effect filed before the jurisdictional court.

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 Crl.M.C is allowed. Annexure I FIR and all proceedings in Crime No.1261 of 2020 registered at the Mala Police Station is quashed.