

(2021) 01 KL CK 0516

In the High Court Of Kerala

Case No : Criminal Miscellaneous Case No. 146 Of 2021

Muralikrishnan @Pallan Krishnan And Ors

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 21-01-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 323, 341, 427

Citation : (2021) 01 KL CK 0516

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

Bench : Single Bench

Advocate : M. Santhi, G. Ranju Mohan, Jayan Kuttichakku, T.R. Renjith

Final Decision : Allowed

Judgement

1. Petitioners are the accused in Crime No.677 of 2011 registered at the Vattiyookavu Police Station for offences punishable under Sections 341, 323

and 427 r/w 34 of IPC, now pending as C.C.No.102 of 2012 on the files of the Judicial First Class Magistrate Court-II, Nedumangadu. The de facto

complainant and the other injured persons, at whose instance the crime was registered, are arrayed as respondents 2 and 3. Annexures A3 and A4

affidavits have been filed by respondents 2 and 3 stating that the dispute which led to registration of the crime, has been settled amicably and they

have 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 respondents 2 and 3,

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. The proceedings in C.C.No.102 of 2012 on the files of the Judicial First Class Magistrate Court-II, Nedumangadu, is quashed.