

(2021) 01 KL CK 0177

In the High Court Of Kerala

Case No : Criminal Miscellaneous Case No. 5214 Of 2020

Poovanchery Abdul Majeed And Ors

APPELLANT

Vs

Abdul Latheef And Ors

RESPONDENT

Date of Decision : 05-01-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 323, 326, 341

Citation : (2021) 01 KL CK 0177

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

Bench : Single Bench

Advocate : Jinu Joseph, P.K. Mohamed Jameel

Final Decision : Allowed

Judgement

1. Petitioners are the accused in Crime No.178 of 2016 registered at the Vengara Police Station for the offence punishable under Sections 341, 323, 326 r/w 34 of IPC, now pending as C.P.No.55 of 2019 on the files of Judicial First Class Magistrate, Malappuram. The de facto complainant at whose instance the crime was registered is the 1st respondent. Annexure A2 affidavit has been filed by the 1st respondent, stating that the dispute has been settled and that he has no subsisting grievance against the petitioners.

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 1st 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.

4. In the result, this Crl.M.C is allowed. The proceedings in C.P.No.55 of 2019 on the files of Judicial First Class Magistrate, Malappuram is quashed.