

(2021) 03 KL CK 0167

In the High Court Of Kerala

Case No : Criminal Miscellaneous No. 352 Of 2021

Prashanth And Ors

APPELLANT

Vs

Sangeetha And Ors

RESPONDENT

Date of Decision : 16-03-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 34, 498(A)

Citation : (2021) 03 KL CK 0167

Hon'ble Judges : Shircy V, J

Bench : Single Bench

Advocate : Abraham Samson, Lovely Samson, Santhan V. Nair, Ajith Murali

Final Decision : Allowed

Judgement

1. Petition under Section 482 of the Code of Criminal Procedure.
2. The petitioners are accused Nos. 1 to 5 in Crime No. 852 of 2017 of Kollengode Police Station registered for the offences punishable under Section 498A read with Section 34 of Indian Penal Code now pending as C.C. No. 1100 of 2017 on the file of the Judicial First Class Magistrate, Chittur. The 3rd petitioner/3rd accused is no more.
3. It is submitted by the learned counsel for the petitioners that the parties have resolved the entire dispute among themselves. It is also submitted that there is no subsisting dispute between them. Therefore, this petition to quash the final report.
4. Learned counsel appearing for the 1st respondent/defacto complainant has submitted that she has absolutely no grievance or complaint against the petitioners. Annexure A4 is the affidavit sworn to by her in support of the submission of the petitioners. The affidavit further indicates that she has no intention to pursue the matter further.

5. The learned Public Prosecutor has reported that the prosecution has no serious objection in allowing the petition. It is also submitted that as the dispute has been amicably settled, the possibility of conviction is remote and bleak and therefore, no useful purpose would be served in proceeding with the case.

6. Heard both sides and perused the records.

7. On hearing the submissions of all concerned, as well on consideration of the special facts and circumstances involved in this case, I find that no fruitful purpose is likely to be served by proceeding with the matter against the petitioners. Moreover, no public interest is involved in the case and there is no legal impediment in granting the prayer as sought for by the petitioners. Therefore, for the purpose of securing the ends of justice, this CrI.M.C. is only to be allowed.

For the foregoing reasons, Annexure A2 final report in Crime No. 852 of 2017 of Kollengode Police Station now pending as C.C. No. 1100 of 2017 on the file of the Judicial First Class Magistrate, Chittur and all further proceedings therein as against the petitioners will stand quashed as prayed for.