

(2020) 12 KL CK 0016

In the High Court Of Kerala

Case No : Criminal Misc Case No. 5119 Of 2020 (H)

Riyas And Ors

APPELLANT

Vs

State Of Kerala And Anr

RESPONDENT

Date of Decision : 01-12-2020

Acts Referred:

Indian Penal Code, 1860 — Section 143, 147, 148, 149, 323, 324, 341

Citation : (2020) 12 KL CK 0016

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

Bench : Single Bench

Advocate : P. Samsudin, M. Anuroop, C.S. Hrithwik

Final Decision : Allowed

Judgement

1. Petitioners are the accused in Crime No.627/2018 registered at the Pazhayangadi Police Station for offences punishable under Sections 143, 147, 148, 341, 323 and 324 r/w 149 of IPC, now pending as C.C.No.69/2019 on the file of the Judicial First Class Magistrate Court, Payyannur. The de

facto complainant, at whose instance the crime was registered, is arrayed as the 2nd respondent. Annexure-A3 affidavit has been filed by 2nd

respondent stating that the dispute, which was the reason for the incident and registration of the crime, has been resolved amicably and 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 2nd respondent, the

contents of which are submitted to be true and voluntary, I am satisfied that the dispute is settled and 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.69/2019 on the file of the Judicial First Class Magistrate Court, Payyannur is quashed.