

(2021) 03 KL CK 0011

In the High Court Of Kerala

Case No : Criminal Miscellaneous No. 315 Of 2021

Sajeesh P.S And Ors

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 01-03-2021

Acts Referred:

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

Citation : (2021) 03 KL CK 0011

Hon'ble Judges : Shircy V, J

Bench : Single Bench

Advocate : V. Visal Ajayan, B. Surjith, M.R. Dhanil

Final Decision : Allowed

Judgement

1. Petition under Section 482 of the Code of Criminal Procedure.
2. The petitioners are accused Nos. 1 to 4 in C.C. No. 222 of 2019 on the file of the Judicial First Class Magistrate-III, North Paravur arising from Crime No. 53 of 2019 of Puthenvelikkara Police Station registered for the offences punishable under Section 498A read with Section 34 of Indian Penal Code.
3. It is submitted by the learned counsel for the petitioners that the parties have resolved the entire disputes among themselves and as such there is no subsisting dispute between them. The 1st petitioner and the 2nd respondent have decided to dissolve their marriage by mutual consent. Therefore, this petition to quash Annexure A1 FIR and Annexure A2 final report.
4. Learned counsel appearing for the 2nd 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 A1 FIR and Annexure A2 final report in C.C. No. 222 of 2019 on the file of the Judicial First Class Magistrate-

III, North Paravur arising from Crime No.53 of 2019 of Puthenvelikkara Police Station will stand quashed as prayed for.