

(2020) 12 KL CK 0249

In the High Court Of Kerala

Case No : Criminal Miscellaneous Case No. 4536 Of 2020 (F)

Shanid And Ors

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 15-12-2020

Acts Referred:

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

Citation : (2020) 12 KL CK 0249

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

Bench : Single Bench

Advocate : Rahul Sasi, Neethu Prem, Vivek. P.K, Nirmal V Nair, Sreeja V.

Final Decision : Allowed

Judgement

1. Petitioners are the accused in Crime No.199/2019 registered at the Bakel Police Station for offences punishable under Sections 143, 147, 148, 323

and 324 r/w 149 of IPC, now pending as C.C.No.774/2019 on the files of the Judicial First Class Magistrate Court-II, Hosdurg. The de facto

complainant and the other persons injured are arrayed as respondents 3 to 5. Annexures-A3 to A5 affidavits have been filed by the said respondents

stating that the dispute, which was the reason for the incident and registration of the crime, has been resolved amicably and they have 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 affidavits filed by respondents 3 to 4, 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 Crl.M.C is allowed. The proceedings in C.C.No.774/2019 on the files of the Judicial First Class Magistrate Court-II, Hosdurg is

quashed.