
(2021) 01 KL CK 0539

In the High Court Of Kerala

Case No : Criminal Miscellaneous Case No. 5937 Of 2020

Shanil Kumar P And Ors

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 22-01-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 323, 341, 506(i)

Citation : (2021) 01 KL CK 0539

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

Bench : Single Bench

Advocate : T.D. Susmith Kumar, P. Jeril Babu, C.S. Hrithwik

Final Decision : Allowed

Judgement

1. Petitioners are accused Nos. 1 to 2 in Crime No.524/2016 registered at the Elathoor Police Station, Kozhikode for offences punishable under

Sections 341, 323 and 506(i) read with Section 34 of IPC, now pending as C.C.No.724/2016 on the files of the Judicial First Class Magistrate,

Koyilandi. The de facto complainant, at whose instance the crime was registered, is arrayed as the 3rd respondent. Annexure-A3 affidavit has been

filed by 3rd respondent stating that the dispute, which was the reason for the incident and registration of the crime, has been resolved amicably and

she 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 Crl.M.C is allowed. Annexure-A2 Final Report bearing No.750/2016 of Elathoor Police Station, Kozhikode and the proceedings in

C.C.No.724/2016 on the files of the Judicial First Class Magistrate, Koyilandi are quashed.