

(2021) 05 KL CK 0136

In the High Court Of Kerala

Case No : Criminal Miscellaneous Case No. 2405 Of 2021

Shereef N And Ors

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 14-05-2021

Acts Referred:

Indian Penal Code, 1860 — Section 143, 147, 148, 149, 427, 448

Citation : (2021) 05 KL CK 0136

Hon'ble Judges : P.V. Kunhikrishnan, J

Bench : Single Bench

Advocate : Rahul Sasi, Neethu Prem, Vivek P.K, Nirmal V Nair, C.S Hrithwik

Final Decision : Allowed

Judgement

1. The petitioners are the accused in Crime No.480/2016 of Hosdurg Police Station, which is now pending as C.C.No.400/2021 against the 1st

petitioner and L.P.C No.100/2019 against the 2nd petitioner before the Judicial First Class Magistrate Court-I, Hosdurg. The above case was charge

sheeted against the petitioners and others alleging offences punishable under Sections 143, 147, 148, 448, 427, r/w 149 of IPC.

2. When this matter came up for consideration, the learned counsel for the petitioners submitted that the entire dispute between the petitioners and the

legal heirs of the defacto complainant is settled. The counsel submitted that the defacto complainant is no more and his legal heirs are impleaded as

additional respondent Nos.2 to 4. A counsel appeared for the respondent Nos.2 to 4 and the learned counsel also submitted that the matter is settled.

The Public Prosecutor also submitted that the matter is settled. In such circumstances, I think this CrI.M.C. can be allowed.

3. Having considered the gravity of the offences alleged, nature of the injury

caused and having perused the affidavits filed by the respondent Nos. 2 to 4 the contents of which are submitted to be true and voluntary, I am satisfied that the matter has been amicably settled and that no public interest is involved in this matter. Moreover, in view of the settlement arrived at between the parties, there is no possibility of the criminal proceedings ending in conviction. 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.

Hence, this CrI.M.C. is allowed. All further proceedings against the petitioners in C.C.400/2021 and L.P.C100/2019 on the file of the Judicial First Class Magistrate Court-I, Hosdurg are quashed.