
(2021) 05 KL CK 0104

In the High Court Of Kerala

Case No : Criminal Miscellaneous Case No. 2315 Of 2021

Sibin J Das And Ors

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 11-05-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 323, 324

Citation : (2021) 05 KL CK 0104

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

Bench : Single Bench

Advocate : Naveen Radhakrishnan, S.J. Prabin, C.S. Hrithwik

Final Decision : Allowed

Judgement

1. The petitioners are the accused in C.C.No.1748 of 2016 on the file of the Judicial First Class Magistrate Court-II, Neyyattinkara. The above case is registered against the petitioners alleging offences punishable under Sections 323, 324 r/w Section 34 of the IPC.

2. When this matter came up for consideration, the learned counsel for the petitioners and the learned counsel for the respondent Nos.2 to 5, who are the victims in this case, submitted that the matter is settled. The respondent Nos. 2 to 5 filed affidavits stating that they have no objection in quashing the proceedings. The learned Public Prosecutor also submitted that the matter is settled. In the light of the above facts, 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 5 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. No.1748 of 2016 on the file of the Judicial First Class

Magistrate Court-II, Neyyattinkara, are quashed.