

(2021) 03 KL CK 0217

In the High Court Of Kerala

Case No : Criminal Miscellaneous No. 1047 Of 2021

Siyad

APPELLANT

Vs

Sareena And Ors

RESPONDENT

Date of Decision : 19-03-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 323, 498(A)

Citation : (2021) 03 KL CK 0217

Hon'ble Judges : Shircy V, J

Bench : Single Bench

Advocate : Dinesh Mathew J. Muricken, Dipu P.S, C.N Prabakaran

Final Decision : Allowed

Judgement

1. Petition under Section 482 of the Code of Criminal Procedure.
2. The petitioner is the accused in Crime No. 603 of 2014 of Fort Kochi Police Station registered for the offences punishable under Sections 498A ad 323 of Indian Penal Code, now pending as C.C. No. 62 of 2017 on the file of the Judicial First Class Magistrate Court, Mattancherry.
3. Heard both sides and perused the records.
4. It is submitted by the learned counsel for the petitioner that the parties have resolved the entire dispute among themselves and there is no subsisting dispute between them. Therefore, this petition to quash Annexure A2 final report.
5. Learned counsel appearing for the 1st respondent/defacto complainant has submitted that she has absolutely no grievance or complaint against the petitioner. Annexure A3, the affidavit sworn to by her, indicates that she has no intention to pursue the matter further.
6. The learned Public Prosecutor has reported that the prosecution has no serious objection in allowing the petition.

7. As the dispute has been amicably settled, the possibility of conviction is remote and bleak.

8. Therefore, considering 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 petitioner. Moreover, no public interest is involved in the case and there is no legal impediment in granting the prayer as sought for by the petitioner. Therefore, for the purpose of securing the ends of justice, this CrI.M.C. is only to be allowed.

For the foregoing reasons, Annexure A2 final report and all further proceedings in C.C. No. 62 of 2017 on the file of the Judicial First Class Magistrate, Mattancherry arising from Crime No.603 of 2014 of Fort Kochi Police Station, will stand quashed as prayed for.