
(2021) 01 KL CK 0512

In the High Court Of Kerala

Case No : Criminal Miscellaneous Case No. 5517 Of 2020

Vighensh R And Ors

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 21-01-2021

Acts Referred:

Indian Penal Code, 1860 — Section 143, 147, 148, 149, 323, 324, 341

Citation : (2021) 01 KL CK 0512

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

Bench : Single Bench

Advocate : Gokul D. Sudhakaran, P. Rahim, C.S. Hrithwik

Final Decision : Allowed

Judgement

1. Petitioners are the accused in Crime No.1364 of 2019 registered at the Perorkada Police Station for offences punishable under Sections 143, 147, 148, 149, 341, 323 and 324 of IPC, now pending as C.C.No.571 of 2020 on the files of the Judicial First Class Magistrate Court-XI,

Thiruvananthapuram. The de facto complainant, at whose instance the crime was registered, is arrayed as the second respondent. Annexure II

affidavit has been filed by the third respondent stating that the dispute which led to registration of the crime, has been settled amicably and he has no

subsisting grievance in the matter.

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 third respondent, the

contents of which are submitted to be true and voluntary, I am satisfied that the dispute is settled and that 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 CrI.M.C is allowed. The proceedings in C.C.No.571 of 2020 on the files of the Judicial First Class Magistrate Court-XI,

Thiruvananthapuram, is quashed.