

(2021) 05 KL CK 0100

In the High Court Of Kerala

Case No : Criminal Miscellaneous Case No. 534 Of 2021

Vipin P.T 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, 325, 326, 451

Citation : (2021) 05 KL CK 0100

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

Bench : Single Bench

Advocate : Shiras Aliyar, Mujeeb Rahman, Sumesh P.Baby, K.K. Sheeba

Final Decision : Allowed

Judgement

1. The petitioners are the accused in Crime No.883 of 2020 of Kalamassery Police Station. The above case is registered against the petitioners

alleging offences punishable under Sections 323, 324, 325, 326, 451 r/w Section 34 of IPC.

2. When this matter came up for consideration, the learned counsel for the petitioners and the de facto complainant submitted that the matter is settled

out of court. The Public Prosecutor also submitted that a statement is recorded through telephone and 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 No. 2

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 Crl.M.C. is allowed. All further proceedings in Crime No.883 of 2020 on the file of the Kalamassery Police Station are quashed.