

XX vs State of Kerala

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Court : Kerala

Decided On : Mar-27-2024

Judge : Honourable Mr.Justice V.G.Arun

Appeal No. : Crl.MC/1327/2021

Appellant : XX

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.G.ARUN
WEDNESDAY, THE 27TH DAY OF MARCH 2024 / 7TH CHAITHRA,
CRL.MC NO. 1327 OF 2021 CRIME NO.1793/2019 OF Mannar Police
Station, Alappuzha AGAINST THE ORDER/JUDGMENT DATED IN CC
NO.3971 OF 2020 OF JUDICIAL MAGISTRATE OF FIRST CLASS -I,
CHENGANNUR PETITIONER/S: XX X BY ADVS. S.K.SAJI
SRI.C.B.SREEKUMAR RESPONDENTS: 1 STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR, T HE HON'BLE
HIGH COURT OF KERALA, ERNAKULAM, PIN-682 012. 2 XXX X BY
ADV SAGITH KUMAR V SRI VIPIN NARAYAN, PP THIS CRIMINAL
MISC. CASE HAVING COME UP FOR ADMISSION ON 27.03.2024,

THE COURT ON THE SAME DAY PASSED THE FOLLOWING: V. G.
ARUN J. ----- Crl. M. C. No.1327 of 2021
----- Dated this the 27th day of March, 2024

ORDER

Petitioner is the accused in Crime No.1793/2019 registered at the Mannar Police Station for offences punishable under Section 341 of the Indian Penal Code and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015, now pending as C.C.No.3971/2020 on the files of the Judicial First Class Magistrate Court-I, Chengannur. The defacto complainant, arrayed as the second respondent, has filed an affidavit stating that the dispute, which had compelled her to file the complaint, leading to registration of the crime, has been settled amicably and she has no subsisting grievance against the petitioner, who is her maternal uncle.

2. Heard the learned Public Prosecutor also, who, on instructions, submits that the petitioner has no criminal antecedents.

3. Having considered the gravity of the offences alleged,

nature of the injury caused and having perused the affidavit, the contents of which are vouched to be true and voluntary by the learned Counsel for the defacto complainant, I am satisfied that, no public interest is involved in this matter and the dispute has been settled amicably. 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. In the result, this Crl.M.C is allowed. Annexure A1 Final Report and all proceedings in C.C.No.3971/2020 on the files of the Judicial First Class Magistrate Court-I, Chengannur, as against the petitioner, are quashed. Sd/- V. G. ARUN JUDGE Sbna/ APPENDIX OF CRL.MC 1327/2021 PETITIONER ANNEXURES ANNEXURE A1 CERTIFIED COPY OF THE FINAL

REPORT IN CRIME NO 1793/2019 DATED 12.10.2019 OF MANNAR POLICE STATION IN ALAPPUZHA ANNEXURE A2 CERTIFIED COPY OF THE FIR AND FIS IN CRIME NO 1793/2019 DATED 14.9.2019 OF MANNAR POLICE STATION IN ALAAPPUZHA DISTRICT ANNEXURE A3 TRUE COPY OF AN ORDER IN MC 39/2019 IN CRL MP 2397/19 DATED 22.4.2019 OF THE JFCM 1, THIRUVALLA

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