

Anil B vs State of Kerala

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Court : Kerala

Decided On : Feb-29-2024

Judge : Honourable Mr.Justice V.G.Arun

Appeal No. : Crl.MC/1227/2024

Appellant : ANIL B

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.G.ARUN THURSDAY, THE 29TH DAY OF FEBRUARY 2024 / 10TH PHALGUNA, CRL.MC NO. 1227 OF 2024 CRIME NO.378/2023 OF PANAMARAM POLICE STATION, Wayanad AGAINST THE ORDER/JUDGMENT DATED IN CC NO.45 OF 2024 OF JUDICIAL MAGISTRATE OF FIRST CLASS , MANANTHAVADY PETITIONER/S: ANIL B AGED 39 YEARS S/O BALAKRISHNAN C.K, MECHERIKUNNU HOUSE, PANAMARAM P.O., MANANTHAVADY, WAYANAD., PIN - BY ADV K.T.SAJU RESPONDENT/S:

1 STATE OF KERALA , REPRESENTED BY REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM,

PIN - 2 RIZBANA AGED 28 YEARS W/O ANIL B, MECHERIKUNNU HOUSE, PANAMARAM P.O., MANANTHAVADY, WAYANAD, PIN - 670721 OTHER PRESENT: SR.GP.PREETHA K.K. THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29.02.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 29th day of February, 2024 Petitioner is the accused in Crime No.378 of 2023 registered at the Panamaram Police Station for offences punishable under Sections 498A and 324 of IPC, now pending as C.C.No.45 of 2024 on the files of the Judicial First Class Magistrate Court, Mananthavady. The de facto complainant is arrayed as the second respondent. Annexure-2 affidavit has been filed by the second respondent stating that the matrimonial 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.

2. Heard the learned Public Prosecutor also, who, on instructions, submits that no antecedents are reported against the petitioner.

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 second respondent, I am satisfied that no public interest is involved in

this matter and the dispute has been 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-1 final report and all furtherproc

Mananthavady, are quashed. Sd/- V.G.ARUN JUDGE Scl/ APPENDIX OF
CRL.MC 1227/2024 PETITIONER ANNEXURES Annexure 1 THE TRUE COPY
OF THE FINAL REPORT/ CHARGE DATED 06.10.2023 SUBMITTED IN C.C.NO.
45/ 2024 ON THE FILES OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
MANANTHAVADY Annexure 2 THE ORIGINAL COPY OF THE AFFIDAVIT
DATED 02.02.2024 SIGNED BY THE 2ND RESPONDENT

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