

X Vs Y

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Court : Kerala

Decided On : Apr-20-2021

Judge : Honourable Mr. Justice K.Haripal

Appeal No. : Crl.MC/1385/2021

Appellant : X

Respondent : Y

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE K.HARIPAL TUESDAY,
THE 20TH DAY OF APRIL 2021 / 30TH CHAITHRA, 1943
Crl.MC.No.1385 OF 2021(C) CRIME NO.757/2020 OF Mukkom Police
Station , Kozhikode PETITIONER/ACCUSED: X AGED 42 YEARS X BY
ADV. SRI.M.R.SASITH PANICKER RESPONDENTS/DEFACTO
COMPLAINANT:

1. Y X

2. STATE OF KERALA, REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 013.

3. THE SUB INSPECTOR, MUKKOM POLICE STATION, KOZHIKODE-673 602 R1 BY ADV. MAHALEKSHMY P.S R2 BY SR.PP - SRI. K.B.UDAYAKUMAR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 20.04.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

The petitioner is the accused in Crime No. 757/2020 of Mukkom Police Station, Kozhikode Rural, which was registered alleging offence punishable under Sections 448,323 read with 34 of IPC and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

2. The petitioner is the father of the victim child

involved in the case. At that time, there was family dispute between the parents. Now the proceedings are sought to be quashed on the premise that the matter has been settled between the parties. The mother of the child filed an affidavit stating that the marriage between herself and the petitioner/accused stands dissolved by mutual consent. Similarly, she has no complaint or grievance against the former husband or in laws and has no objection in passing an

order in quashing Crime No.757/2020.

3. I heard the learned counsel on both sides and also the

learned Public Prosecutor and perused the records. The proceeding was initiated at the time when the matrimonial differences were pending between the parties. Now the marriage between the petitioner and the mother of the injured has been dissolved and all the disputes between the parties have been settled and thus the prayer for quashing the proceedings has been endorsed by the mother of the child.

4. From the averments in the petition and the affidavit it

is very obvious that the crime was the outcome of the personal dispute between the parties, which stand resolved. When parties settle their disputes out of court, this Court should not stand on the way. Hon'ble Apex Court has reiterated that, when parties themselves settle the disputes, the High Court shall not refuse to exercise its jurisdiction under Section 482 of Cr.P.C. Here the offences are minor in nature. Such settlements will only advance the cause of peace and harmony in the society besides lesser the burden of the police and courts.

In the circumstances and having regard to the fact that it was purely a personal dispute between the parties and since no public interest is involved, the entire proceedings shall stand quashed. The petition is allowed as above . Sd/-
K.HARIPAL JUDGE Jms/20.04 APPENDIX PETITIONER'S EXHIBITS:
ANNEXURE A1 TRUE COPY OF THE FIR IN CRIME NO.0757/2020 OF
MUKKOM POLICE STATION, KOZHIKODE. ANNEXURE A2 TRUE COPY OF
THE AFFIDAVIT FILED BY THE FIRST RESPONDENT. //True Copy// P.A to
Judge

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