

Arun vs State of Kerala,

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Court : Kerala

Decided On : Jul-29-2021

Judge : Honourable Mrs. Justice Shircy V.

Appeal No. : Crl.MC/2338/2021

Appellant : ARUN

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SHIRCY V.
THURSDAY, THE 29TH DAY OF JULY 2021 / 7TH SRAVANA, 1943
CRL.MC NO. 2338 OF 2021 CRIME NO. 62 OF 2021 OF PAYYOLI
POLICE STATION PETITIONER/ACCUSED: ARUN AGED 26 YEARS
S/O JANARDHANAN, PARACHALIL (H), IRINGATH P,O, MEPPAYYUR,
KOZHIKODE, PIN-673542. BY ADV K.REEHA KHADER
RESPONDENTS/STATE/DEFCTO COMPLAINANT: 1 STATE OF
KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH
COURT OF KERALA, ERNAKULAM, COCHIN-682031. 2 ANAGHA,
AGED 22 YEARS D/O GANGADHARAN, AMBALI MEETHAL(H),
MUYIPPOTH P.O, KOYILANDY TALUK, KOZHIKODE, PIN-673542. BY

ADV MOHAMMED ASLAM P.S OTHER PRESENT: AJITH MURALI- P.P
THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29.07.2021, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER

DATED THIS THE 29TH DAY OF JULY, 2021 Petition under Section 482 of the Code of Criminal Procedure.

2. The petitioner is the accused in Crime No. 62 of 2021 of Payyoli Police Station registered for the offences punishable under Sections 341, 323, and 354D of Indian Penal Code.

3. Heard both sides and perused the records.

4. The learned counsel for the petitioner

submitted that the parties have resolved their entire dispute among themselves and as such there is no subsisting dispute between them. Therefore, this petition to quash the FIR.

5. Learned counsel appearing for the 2nd

respondent has submitted that she has absolutely no grievance or complaints against the petitioner. Annexure A2 is the affidavit sworn to by her in support of the submission of the petitioner. The affidavit further indicates that she has no intention to pursue the matter further.

6. The learned Public Prosecutor has reported

that the prosecution has no serious objection in allowing the petition. It is also submitted that as the dispute has been amicably settled, the possibility of conviction is remote and bleak and therefore, no useful purpose would be served in proceeding with the case.

7. On hearing the submissions of all concerned

and on perusal of the records as well on consideration of the special facts and circumstances involved in this case, I find that no fruitful purpose is likely to be served by proceeding with the matter against the petitioner. No materials are available on record to attract the offences alleged against the petitioner. Moreover, no public interest is involved in the case as such and there is no legal impediment in granting the prayer as sought for by the petitioner. (See Gian Singh v. State of Punjab ((2012) 10 SCC 303). Therefore, for the purpose of securing the ends of justice, this Crl.M.C. is only to be allowed. For the foregoing reasons, Annexure A1 FIR in Crime No. 62 of 2021 of Payyoli Police Station will stand quashed as prayed for.

Sd/- SHIRCY V. JUDGE sb APPENDIX OF CRL.MC 2338/2021 PETITIONER ANNEXURE ANNEXURE-A1 CERTIFIED COPY OF THE FIR IN CRIME NO.62/2021 OF PAYYOLI POLICE STATION, KOZHIKODE DISTRICT. ANNEXURE-A2 THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

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