IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

TUESDAY, THE 08TH DAY OF DECEMBER 2020 / 17TH AGRAHAYANA, 1942

Crl.MC.No.5171 OF 2020(F)

CRIME NO.43/2019 OF CYBER CRIME POLICE STATION, THIRUVANANTHAPURAM

PETITIONER/S:

SARATH P. BHASKAR,
AGED 35 YEARS,
S/O.PADMANABHAN,'SARIKA', SOUTH VAZHAKULAM,
ALUVA, ERNAKULAM-683 105.

BY ADVS.
SRI.R.SANJITH
SMT.C.S.SINDHU KRISHNAH

RESPONDENT/S:

1 **STATE OF KERALA,**
REPRESENTED BY PUBLIC PROSECUTOR ,
HIGH COURT OF KERALA, ERNAKULAM-682 031.

2 **AMEENA SAINU,**
AGED 29 YEARS,
D/O.A.SHAKKELA, KALARICKAL HOUSE, CHEMMANTHOOR,
PUNALUR VILLAGE, PATHANAPURAM , KOLLAM-691 305.

SENIOR PUBLIC PROSECUTOR SRI.C.S.HRITHWIK

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 08.12.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

O R D E R

Dated this the 8th day of December, 2020

Petitioner is the accused in FIR No.43/2019 registered at the Cyber Crime Police Station, Thiruvananthapuram for offences punishable under Sections 354D & 506 of IPC and Section 66D of Information Technology Act, which is now pending on the files of the Learned Chief Judicial Magistrate Court, Thiruvananthapuram. The *de facto* complainant, at whose instance the crime was registered and arrays as the 2nd respondent. Annexure-A2 affidavit has been filed by the *de facto* complainant stating that the dispute, which led to registration of the crime, has been settled amicably and that she has no subsisting grievance in the matter.

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 filed by the *de facto* complainant, the contents of which are submitted to be true and voluntary, I am satisfied that the dispute is settled

and that no public interest is involved in this matter. Moreover, in view of the settlement, possibility of the criminal proceedings ending in conviction is remote. 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 sought.

In the result, this Crl.M.C is allowed. The proceedings in FIR No.43/2019 of Cyber Police Station, Thiruvananthapuram is quashed.

Sd/-
V.G.ARUN
JUDGE

DG

APPENDIX

PETITIONER'S/S EXHIBITS:

ANNEXURE-A1	**CERTIFIED COPY OF THE FIR NO.43/2019 CYBER CRIME POLICE STATION, THIRUVANANTHAPURAM ON THE FILES OF LEARNED CHEF JUDICIAL MAGISTRATE COURT, THIRUVANANTHAPURAM**
ANNEXURE-A2	**TRUE COPY OF THE AFFIDAVIT DATED 04.11.2020 SWORN BY THE 2ND RESPONDENT**