IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 17TH DAY OF DECEMBER 2020 / 26TH AGRAHAYANA, 1942

Crl.MC.No.5202 OF 2020(A)

CRIME NO.75/2015 OF North Parur Police Station , Ernakulam

PETITIONER/ACCUSED 1 TO 3:

1 SALI T. R.
AGED 57 YEARS
S/O. RAGHU, NELLIPPILLYPARAMBIL HOUSE, KIZHAKKEPRAM,
N. PARAVUR P. O., PIN - 683 513, KOTTUVALLY VILLAGE,
PARAVUR TALUK, ERNAKULAM DIST.

2 GEETHU
AGED 32 YEARS
D/O. SALI, NELLIPPILLYPARAMBIL HOUSE, KIZHAKKEPRAM,
N. PARAVUR, KOTTUVALLY VILLAGE

3 INDHU
AGED 29 YEARS
D/O. SALI, NELLIPPILLYPARAMBIL HOUSE, KIZHAKKEPRAM,
N. PARAVUR, KOTTUVALLY VILLAGE

BY ADVS.
SRI.A.N.SANTHOSH
SRI.G.BALAMURALEEDHARAN (PARAVUR)

RESPONDENT/DE FACTO COMPLAINANT AND STATE:

1 SUKUMARI P.D.
AGED 47 YEARS
D/O. DHARMAJAN, PULIKKATHAZHATHU HOUSE, KIZHAKKEPRAM,
N. PARAVUR P. O., PIN - 683 513, KOTTUVALLY VILLAGE,
PARAVUR TALUK, ERNAKULAM DIST.

2 STATE OF KERALA
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 682 031.

OTHER PRESENT:
PP SREEJA V.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 17.12.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 17th day of December 2020

Petitioners are the accused in Crime No.75/2015 registered at the North Parur Police Station, for offences punishable under Sections 323 and 341 r/w 34 of IPC. The *de facto* complainant, at whose instance the crime was registered, is the 1st petitioner's wife and is arrayed as the 1st respondent herein. Annexure-A2 affidavit has been filed by the 1st respondent stating that the matrimonial dispute, which had compelled her to submit the complaint leading to registration of the crime is an offshoot of a matrimonial dispute between the 1st petitioner and the 1st respondent and the parties have legally separated and hence, she has no subsisting grievance against the petitioners.

2. Heard the learned Public Prosecutor also, who, on instructions, submits that the petitioners have 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 1st respondent, the contents of which are submitted to be true and voluntary, I am satisfied that the dispute is settled and 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. Annexure-A1 FIR and the proceedings in Crime No.75/2015 registered at the North Parur Police Station is quashed.

Sd/-
V.G.ARUN
JUDGE

SB/17/12/2020

APPENDIX

PETITIONER'S/S EXHIBITS:

ANNEXURE A1	**CERTIFIED COPY OF THE FIR IN CRIME NO.75/2015 OF NORTH PARAVUR POLICE STATION.**
ANNEXURE A2	**AFFIDAVIT SWORN BY THE 1ST RESPONDENT DATED 14.11.2020.**

//true copy// P.A to Judge