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.5502 OF 2020(G)

CRIME NO.1653/2020 OF Kothamangalam Police Station , Ernakulam

PETITIONERS/ACCUSED 1 - 3:

1 LINCE,
AGED 29 YEARS,
S/O. MONSON, RESIDING AT THOOMPUNKAL HOUSE,
CHEERAMCHIRA KARA, CHETHIPUZHA VILLAGE,
KOTTAYAM, P. O, 686 104.

2 MONSON,
AGED 65 YEARS,
RESIDING AT THOOMPUNKAL HOUSE,
CHEERAMCHIRA KARA, CHETHIPUZHA VILLAGE,
KOTTAYAM P. O, 686 104.

3 LISSAMMA,
AGED 60 YEARS,
W/O. MONSON, RESIDING AT THOOMPUNKAL HOUSE,
CHEERAMCHIRA KARA, CHETHIPUZHA VILLAGE,
KOTTAYAM P. O, 686 104.

BY ADVS.
SRI. T. P. PRADEEP
SHRI. AJAI JOHN

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

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

2 DELVY ANTONY,
AGED 26 YEARS,
RESIDING AT MALIKUDY HOUSE,
RAMALLOOR, THRIKKARIYOOR VILLAGE,
ERNAKULAM - 686 691.

SMT. SREEJA V, PP
R2 - SRI. P. ANIL KUMAR

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.1653 of 2020 registered at Kothamangalam Police Station for offences punishable under Sections 451, 341, 323, 294 (b), 506 and 498 A read with Section 34 of I.P.C. The *defacto* complainant, at whose instance the crime was registered, is arrayed as the 2nd respondent. Annexure – B affidavit has been filed by 2nd respondent stating that the matrimonial dispute, which led to registration of the crime, has been settled amicably and she is residing with the 1st petitioner peacefully and harmoniously and has no subsisting grievance in the matter.

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 2nd respondent, 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. Annexure - A F.I.R and all proceedings in Crime No.1653 of 2020, is quashed.

Sd/-

V.G.ARUN
JUDGE

SPR

APPENDIX

PETITIONER'S/S EXHIBITS:

ANNEXURE A	**CERTIFIED COPY OF F.I.R NO.1653 OF 2020 ON THE FILES KOTHAMANGALAM POLICE STATION, ERNAKULAM.**
ANNEXURE B	**TRUE COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT.**

RESPONDENT'S/S EXHIBITS: **NIL.**