

Rajeesh vs State of Kerala

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Court : Kerala

Decided On : Feb-27-2025

Judge : Honourable Mr.Justice C. Jayachandran

Appeal No. : Crl.MC/4593/2022

Appellant : Rajeesh

Respondent : State of Kerala

Judgement :

CRL.MC NO. 4593 OF 2022 1 2025:KER:18228

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN
THURSDAY, THE 27TH DAY OF FEBRUARY 2025 / 8TH PHALGUNA,
1946 CRL.MC NO. 4593 OF 2022 CRIME NO.562/2019 OF Manjeri
Police Station, Malappuram AGAINST THE ORDER/JUDGMENT IN CC
NO.907 OF 2019 OF JUDICIAL MAGISTRATE OF FIRST CLASS-
I,MANJERI PETITIONERS/ACCUSED: 1 RAJEESH AGED 36 YEARS
S/O RAMESAN, UTHRADAM HOUSE, AMBALAPPARA P. O.,
OTTAPPALAM,PALAKKAD., PIN - 679512 2 RAMESAN AGED 67
YEARS S/O VELU, UTHRADAM HOUSE, AMBALAPPARA P. O.,

OTTAPPALAM, PALAKKAD., PIN - 679512 BY ADVS. SASI M.R. SILPA
N.P SREEKUMAR K.V. KAVYA KRISHNAN DHARMYA M.S S.SAJIT
SANAL SUMAYYA H.S. RESPONDENT/INVESTIGATING OFFICER,
DEFACTO COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR,HIGH COURT OF KERALA, CRL.MC NO. 4593
OF 2022 2 2025:KER:18228 PIN - 682031 2 SUB INSPECTOR OF
POLICE OTTAPPALAM POLICE STATION., PIN - 679101 3
PRASEEDA AGED 24 YEARS D/O PADMAJA, PALAMADATHIL
HOUSE, THRIKKALANGAD P. O., MANJERI, MALAPPURAM - 676 123.
NOW RESIDING AT PALAMADATHIL HOUSE, KAVANOOR P. O.,
ARIKODE, MALAPPURAM, PIN - 673639 4 PADMAJA AGED 50
YEARS PANTHRANDIGAL HOUSE, KAVANOOR P. O., ARIKODE,
MALAPPURAM DISTRICT, PIN - 673639 BY ADV PUBLIC
PROSECUTOR OTHER PRESENT: SRI. C.N. PRABHAKARAN (SR.PP)
THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 27.02.2025, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING: CRL.MC NO. 4593 OF 2022 3 2025:KER:18228

C. JAYACHANDRAN, J.

----- Crl.M.C.No.4593 of 2022
----- Dated, this the 27th day of February, 2025

ORDER

A five Judges Bench of the Punjab and Haryana High Court in Kulwinder Singh and Others v. State of Punjab and Another [(2007) 4 CTC 769], framed broad guidelines as regards quashment of the criminal proceedings under Section 482 of the Code in respect of offences which are not compoundable in terms of Section 320 of the Code. One among the guidelines was that the offences against human body, other than murder and culpable homicide, may be permitted to be compounded, when the court is in a position to record a finding that the settlement

between the parties is voluntary and fair. These guidelines were quoted with approval by a three Judges Bench of the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another [(2012) 10 SCC 303]. Similarly in Narinder Singh and Others v. State of Punjab [(2014) 6 SCC 466],

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the Hon'ble Supreme Court has gone to the extent of sanctioning invocation of the inherent power under Section 482 of the Criminal Procedure Code to quash the F.I.R. in a crime alleging offence under Section 307, which is a heinous and serious offence. A practical approach is seen adopted by the Hon'ble Supreme in Madan Mohan Abbot v. State of Punjab [(2008) 4 SCC 582] as regards quashment in respect of offences like 379, 406, 409, 418, etc., the relevant findings of which are extracted herebelow:

6. We need to emphasise that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilised in deciding more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the law.

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2. In the facts at hand, petitioners are the

accused persons in Crime No.562/2019 of Manjeri Police Station, Malappuram, now pending as C.C.No.907/2019 before the Judicial First Class Magistrate Court-I, Manjeri. As per the final report the offences

alleged are under Sections 341, 323 and 294(b) read with Section 34 of the Indian Penal Code. The petitioners seek quashment of entire proceedings in the above Calendar Case, on the strength of the settlement arrived at by and between the parties.

3. Heard the learned counsel for the petitioners and the learned Senior Public Prosecutor. Perused the records.

4. On perusal of the statements of the defacto complainant and the 4th respondent, it is clear that the

issues between the petitioners, the defacto complainant

and the 4th respondent (injured) are settled and that the defacto complainant and the injured are no longer interested to proceed with the prosecution case. That CRL.MC NO. 4593 OF 2022 6 2025:KER:18228

apart, it is noticed that, along with this CrI.M.C, affidavits have been sworn to by the defacto complainant and 4th respondent as Annexures-A3 and A4, wherein they would unequivocally state that the disputes have been settled amicably and that the complaint emanated from misunderstanding. They would also swear that they have no grievance against the petitioners and that they have no objection in quashing the criminal proceedings against the petitioners. The affidavits are sworn to on their own volition, without any compulsion, whatsoever. This Court, is therefore, convinced that the settlement arrived at is genuine and bonafide.

5. In the light of the above referred facts, this

Court is of the opinion that the necessary parameters, as culled out in Narinder Singh (supra), Madan Mohan Abbot (supra) and Gian Singh (Supra), are fully satisfied. This Court is convinced that further proceedings against the petitioners will be a futile exercise, inasmuch as

the disputes have already been settled. There is little possibility of any conviction

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in the crime. Dehors the settlement arrived at by and between the parties, if they are compelled to face the criminal proceedings, the same, in the estimation of this Court, will amount to abuse of process of Court. The quashment sought for would secure the ends of justice. This Court also notice that offences under Sections 341 and 323 are compoundable, which is all the more a reason to accept the compromise between the parties.

In the circumstances, this Crl.M.C. is allowed. Annexure-A2 Final Report in Crime No.562/2019 and all further proceedings in C.C.No.907/2019 of the Judicial First Class Magistrate Court-I, Manjeri, are hereby quashed.

Sd/- C. JAYACHANDRAN JUDGE ska CRL.MC NO. 4593 OF 2022 8 2025:KER:18228 APPENDIX OF CRL.MC 4593/2022 PETITIONER ANNEXURES Annexure A1 CERTIFIED COPY OF THE FIR AND FIS CRIME NO.562/2019 REGISTERED BY THE 2ND RESPONDENT ANNEXURE A2 CERTIFIED COPY OF THE FINAL REPORT IN CC NO.907 OF 2019 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE-I MANJERI Annexure A3 THE ORIGINAL AFFIDAVIT BY THE DE - FACTO COMPLAINANT. Annexure A4 THE ORIGINAL AFFIDAVIT BY CW2 (4TH RESPONDENT HEREIN).

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