

Yadhukrishna vs State of Kerala Represented by Public Prosecutor

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Court : Kerala

Decided On : Feb-03-2023

Judge : Honourable Mr.Justice K. Babu

Appeal No. : Crl.MC/431/2023

Appellant : Yadhukrishna

Respondent : State of Kerala Represented by Public Prosecutor

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE K. BABU FRIDAY, THE 3RD DAY OF FEBRUARY 2023 / 14TH MAGHA, 1944 CRL.MC NO. 431 OF 2023 AGAINST THE ORDER/JUDGMENTCC 637/2022 OF JUDICIAL MAGISTRATE OF FIRST CLASS ,CHAVAKKAD CRIME NO.154 OF 2021 OF VADANAPPALLY POLICE STATION, THRISSUR PETITIONER/S: 1 YADHUKRISHNA AGED 25 YEARS SON OF SANTHOSH, KANGA HOUSE, MANALUR,MANALUR.PO. VADANAPALLY, THRISSUR, PIN - 680617 2 PRIYA AGED 47 YEARS WIFE OF SANTHOSH, KANGA HOUSE, MANALUR, MANALUR.PO. VADANAPALLY, THRISSUR, PIN - 680617 3 SANTHOSH AGED 49 YEARS SON OF RAGHAVAN, KANGA HOUSE, MANALUR, MANALUR.PO. VADANAPALLY, THRISSUR, PIN - 680617 BY ADVS.

C.MURALIKRISHNAN (PAYYANUR) ABRAHAM GEORGE JACOB
RESPONDENT/S: 1 STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN -
683021 2 AMRITHA AGED 24 YEARS DAUGHTER OF
KRISHNANAND, ALATHI VEEDU, VADANAPPALLY VILLAGE, P.O.
NADUVILKKARA, ..2..

THRISSUR DISTRICT, PIN - 680614 BY ADV Raheena P I BY BY PUBLIC
PROSECUTOR SMT MK PUSHPA LETHA BY PUBLIC PROSECUTOR SRI G
SUDHEER THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 03.02.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:
..3..

K.BABU, J.

----- Dated this the 3rd day
of February, 2023

ORDER

The prayer in this Crl.M.C. is to quash Annexure A-1 Final Report in Crime No.154 of 2021 of Vadanappally Police Station, Thrissur, and all further proceedings against the petitioners in C.C.No.637 of 2022 on the file of the Judicial First Class Magistrate Court, Chavakad, on the ground that the parties have arrived at a settlement in respect of the subject matter.

2. The petitioners are accused Nos. 1 to 3.

3. The offences alleged against the petitioners are punishable under Sections 354-C, 406, 498-A r/w Section 34 of IPC and Section 66-E of the Information Technology Act, 2000.

4. Respondent No.2, the defacto complainant entered appearance through counsel. An affidavit sworn ..4.. to by her has also been placed before the Court.

5. Heard Sri. Muralikrishnan, the learned counsel for the petitioners, the learned counsel for respondent No.2 and the learned Public Prosecutor.

6. I have perused the averments in the petition and the affidavit sworn to by respondent No.2.

7. The learned Public Prosecutor, on instructions,

submitted that the matter was enquired into through the Investigating Officer, who has taken statement of the defacto complainant, and it is reported that the dispute between the parties has been amicably settled. The material placed before the Court shows that the entire dispute between the parties has been amicably settled and the defacto complainant has decided not to proceed further. The settlement between the parties is found to be voluntary and fair. The settlement or the compromise satisfies the conscience of the Court. It is seen that the victim agreed to settle the matter with her free will.

8. In *Gian Singh v. State of Punjab* [2012 (4)

..5.. KLT 108 (SC)], *Narinder Singh and others v. State of Punjab and Others* [(2014) 6 SCC 466] and *State of Madhya Pradesh v. Lakshmi Narayan and Others* [(2019) 5 SCC 688] the Apex Court held that the High Court, invoking Section 482 of Cr.P.C., can quash criminal proceedings in relation to non-compoundable offences, where the parties have settled the matter between themselves notwithstanding the bar under Section 320 of Cr.P.C., if it is warranted in the given facts and circumstances of the case, to ensure ends of justice or to prevent abuse of the process of any Court.

9. In the instant case, the dispute is purely personal

in nature. There is nothing to show that public interest will be compromised by quashing the proceedings. The offences in question do not fall within the category of serious offences or heinous offences.

10. The offences in the present case do not fall

within the category of offences prohibited for granting permission to compromise in terms of the pronouncement ..6.. of the Apex Court in Gian Singh (supra), Narinder Singh (supra) and Lakshmi Narayan (supra).

11. This Court is of the view that no purpose will be

served in proceeding with the matter further. Resultantly, the Crl.M.C is allowed. Annexure A-1 Final Report in Crime No.154 of 2021 of Vadanappally Police Station, Thrissur, and all further proceedings against the petitioners in C.C.No.637 of 2022 on the file of the Judicial First Class Magistrate Court, Chavakad stand hereby quashed. Sd/- K.BABU, JUDGE kkj ..7.. APPENDIX OF CRL.MC 431/2023 PETITIONER ANNEXURES Annexure A1 CERTIFIED COPY OF THE FINAL REPORT

NO.249/2022 DATED 28.03.2022 FILED BY THE INSPECTOR OF POLICE, VADANAPPALLY POLICE STATION BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVAKKAD. Annexure A2 TRUE COPY OF AFFIDAVIT DATED 2ND RESPONDENT, THE DEFACTO COMPLAINANT

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