

Abhijith vs State of Kerala

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Court : Kerala Orders

Decided On : Jan-31-2023

Judge : Honourable Mr.Justice K. Babu

Appeal No. : Crl.MC/479/2023

Appellant : Abhijith

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE K. BABU TUESDAY, THE 31ST DAY OF JANUARY 2023 / 11TH MAGHA, 1944 CRL.MC NO. 479 OF 2023 IN CRIME NO.606/2022 OF KUDIYANMALA POLICE STATION, IDUKKI PETITIONERS/ACCUSED NOS. 1 TO 3:

1 ABHIJITH, AGED 22 YEARS, S/O.BIJU THOMAS, MADATHIKKULAM HOUSE, KERALA STATE., PIN - 670582 2 BIJU, AGED 45 YEARS, S/O.THOMAS, MADATHIKKULAM HOUSE, OTTAHOTTY, NADUVIL AMSOM, NADUVIL.P.O, KERALA STATE, PIN - 670582 3 ANCY, AGED 40 YEARS, W/O.BIJU THOMASM, MADATHIKKULAM HOUSE, TALIPARAMBA TRAKLUYK, KANNUR DISTRICT, KERALA STATE.,

PIN - 670582 BY ADVS. SRI.V.A.SATHEESH SRI.ANAND V.S

RESPONDENTS/STATE & DEFACTO COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 2 KARTHIYAYANI, AGED 63 YEARS, W/O.LATE CHELLAPPAN, KOLLAMALA HOUSE, KERALA STATE, PIN - 670582 3 MAHESH KUMAR.K.C, AGED 30 YEARS, S/O.LATE CHELLAPPAN, KOLLAMALA HOUSE, KERALA STATE, PIN - 670582 BY ADV. SMT.M. .K PUSHPA LETHA,PP, R1 SRI.V.T.MADAVANUNNI, R2 & R3 THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31.01.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.BABU, J.

----- Dated this the 31st day
of January, 2023

ORDER

The prayer in this Crl.M.C. is to quash Annexure A1 FIR in Crime No.606/2022 of Kudiyanmala Police Station, Kannur, 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 341, 323, 324, 294(b), 354 and 34 of IPC.

4. Respondent Nos.2 and 3 entered appearance through counsel. Affidavits sworn to by them have also been placed before the Court.

5. Heard Sri.V.Satheesh, the learned counsel for the petitioners, the learned counsel for respondent Nos. 2 and 3 and the learned Public Prosecutor.

6. I have perused the averments in the petition and the affidavits sworn to by respondent Nos.2 and 3.

7. The learned Public Prosecutor, on instructions, submitted that the matter was enquired into through the Investigating Officer, who has taken statements of the victims, 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 victims agreed to settle the matter with their free will.

8. In *Gian Singh v. State of Punjab* [2012 (4) 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 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 A1 FIR in Crime No.606/2022 of Kudiyanmala Police Station, Kannur,

stands hereby quashed. Sd/- K.BABU JUDGE VPK APPENDIX OF CRL.MC 479/2023 PETITIONER ANNEXURES Annexure-A1 A TRUE CERTIFIED COPY OF FIR IN CRIME NO.606/2022 OF KUDIYANMALA POLICE STATION ALONG WITH THE STATEMENT. Annexure-A2 AFFIDAVIT OF THE 2ND RESPONDENT. Annexure-A3 AFFIDAVIT OF THE 3RD RESPONDENT.

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