

Sheeja vs State of Kerala, Represented by the Public Prosecutor

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Court : Kerala

Decided On : Feb-13-2023

Judge : Honourable Mr.Justice K. Babu

Appeal No. : Crl.MC/644/2023

Appellant : Sheeja

Respondent : State of Kerala, Represented by the Public Prosecutor

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE K. BABU MONDAY, THE 13TH DAY OF FEBRUARY 2023 / 24TH MAGHA, 1944 CRL.MC NO. 644 OF 2023 AGAINST THE ORDER/JUDGMENTCC 1331/2016 OF JUDICIAL MAGISTRATE OF FIRST CLASS ,VARKALA PETITIONERS/ACCUSED NOS.1 TO3: 1 SHEEJA AGED 48 YEARS W/O SHANAVAS, MALAVILA POIKA, PV HOUSE, 2 SHAHNA SHIBU AGED 26 YEARS , D/O SHANAVAS, MALAVILA POIKA, PV HOUSE, 3 SHIJINA SHANAVAS AGED 25 YEARS D/O SHANAVAS, MALAVILA POIKA, PV HOUSE, BY ADV M.R.SASITH RESPONDENTS/DE-FACTO COMPLAINANT:

1 STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM, PIN -

682031 2 THE SUB INSPECTOR KADAKKAVOOR POLICE STATION,
THIRUVANANTHAPURAM, PIN - 695306 3 ABITHA BEEVI AGED 68
YEARS W/O ABDUL RAHEEM, PLAVILAVEEDU, PV HOUSE,
PALAMKONAM, PERUMKULAM, ALAMKODU, KADAKKAVOOR,
THIRUVANANTHAPURAM, PIN - 695306

OTHER PRESENT: G SUDHEER,PP THIS CRIMINAL MISC. CASE HAVING
COME UP FOR ADMISSION ON 13.02.2023, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

K.BABU, J.

----- Crl.M.C.No.644 of 2023
----- Dated this the 13th day of February, 2023

ORDER

The prayer in this Crl.M.C. is to quash Annexure A2 Final Report in Crime No.1536/2016 of Kadakkavoor Police Station and all further proceedings in C.C. No. 1331/2016 on the file of the Judicial First Class Magistrate Court-I Varkala 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 294(b), 188, 323 of IPC and Sec.24 of Senior Citizen Act.

4. The 3rd respondent, the defacto complainant, entered appearance through counsel. An affidavit sworn to by her has also been placed before the Court.

5. Heard both parties.

6. I have perused the averments in the petition and the affidavit sworn to by respondent No.3.

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/victim, 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) 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 CrI.M.C is allowed. Annexure A2 Final Report in Crime No.1536/2016 of Kadakkavoor Police Station

and all further proceedings in C.C. No. 1331/2016 on the file of the Judicial First Class Magistrate Court-I Varkala stand hereby quashed. Sd/- K.BABU, JUDGE SM APPENDIX OF CRL.MC 644/2023 PETITIONER ANNEXURES Annexure A1 THE TRUE COPY OF THE FIR IN CRIME NO. STATION, THIRUVANANTHAPURAM DATED 22.11.2016 Annexure A2 . THE CERTIFIED COPY OF THE FINAL

REPORT PENDING AS C.C NO. 1331/2016 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I AT VARKALA IN CRIME NO. 1536/2016 OF KADAKKAVOOR POLICE STATION, THIRUVANANTHAPURAM DATED 28.11.2016 Annexure3 THE AFFIDAVIT SWORN BY THE 3RD RESPONDENT DE-FACTO COMPLAINANT DATED 14.01.2023

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