

Manoj vs State of Kerala

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Court : Kerala

Decided On : Feb-28-2023

Judge : Honourable Mr.Justice K. Babu

Appeal No. : Crl.MC/1091/2023

Appellant : MANOJ

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE K. BABU TUESDAY, THE 28TH DAY OF FEBRUARY 2023 / 9TH PHALGUNA, 1944 CRL.MC NO. 1091 OF 2023 AGAINST THE ORDER/JUDGMENTCC 3/2020 OF JUDICIAL MAGISTRATE OF FIRST CLASS -I,PALAKKAD CC 3/2020 OF JUDICIAL MAGISTRATE OF FIRST CLASS -I,PALAKKAD PETITIONERS/ACCUSED 1 TO 5:

1 MANOJ AGED 35 YEARS S/O PARAMESWARAN, APPU NIVAS, VETTUKADU, PERUVEMBA, 2 PARAMESWARAN AGED 63 YEARS S/O APPU, APPU NIVAS, VETTUKADU, PERUVEMBA, PALAKKAD DISTRICT, PIN - 678 531. 3 RUGMANI AGED 59 YEARS W/O PARAMESWRAN, APPU NIVAS, VETTUKADU, PERUVEMBA, 4

MAHESH AGED 36 YEARS S/O PARAMESWARAN, APPU NIVAS,
VETTUKADU, PERUVEMBA, 5 MANJU AGED 31 YEARS W/O
SURESH, APPU NIVAS, VETTUKADU, PERUVEMBA, BY ADVS.
RAJESH SIVARAMANKUTTY K.V.ANTONY

Crl.M.C No.1091 of 2023 2 RESPONDENTS/STATE & DEFACTO
COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031. 2
ARCHANA AGED 24 YEARS D/O SIVAN, PALLATHA HOUSE, PALLAVAKKAD,
ELAPPULLY, PALAKKAD DISTRICT, PIN - 678 622. BY ADV SMT.M.K
PUSHPALETHA, PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE
HAVING COME UP FOR ADMISSION ON 28.02.2023, THE COURT ON THE
SAME DAY PASSED THE FOLLOWING: Crl.M.C No.1091 of 2023 3 K. BABU, J

----- Crl.M.C No. 1091 of 2023
----- Dated this the 28th day of February, 2023

ORDER

The prayer in this Crl.MC is to quash all further proceedings in C.C No.3/2020 on the file of the Judicial First Class Magistrate Court-I, Palakkad, 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 5.

3. The offences alleged against the petitioners are punishable under Sections 498-A and 494 of the Indian Penal Code.

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

5. Heard both sides.

6. I have perused the averments in the petition and the affidavit sworn to by respondent No.2. Crl.M.C No.1091 of 2023 4

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) 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.

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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. All further proceedings in C.C

No.3/2020 on the file of the Judicial First Class Magistrate Court-I, Palakkad, stand hereby quashed. Sd/- K. BABU JUDGE AMR CrI.M.C No.1091 of 2023 6 APPENDIX OF CRL.MC 1091/2023 PETITIONERS ANNEXURES Annexure A CERTIFIED COPY OF THE PRIVATE COMPLAINT AS PER CRL,M.P. NO. 3446/2019 DATED 27-6-2019 FILED BY 2ND RESPONDENT AGAINST PETITIONERS BEFORE JUDICIAL FIRST CLASS MAGISTRATE-I, PALAKKAD.

Annexure B CERTIFIED COPY OF THE FINAL REPORT IN C.C. NO. 3/2020 DATED 13-11-2019 ON THE FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE-I, PALAKKAD. Annexure C SWORAN AFFIDAVIT OF THE 2ND RESPONDENT DTD. 31-1-2023 ,FILED BEFORE THIS HON'BLE COURT.

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