

Ranjith vs State of Kerala

Ranjith vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1337920

Court : Kerala

Decided On : May-31-2023

Judge : Honourable Mr.Justice K. Babu

Appeal No. : Crl.MC/1199/2023

Appellant : Ranjith

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE K. BABU WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945 CRL.MC NO. 1199 OF 2023 AGAINST CC 626/2021 OF JUDICIAL MAGISTRATE OF FIRST CLASS -I, PERINTHALMANNA PETITIONERS/ACCUSED:

1 RANJITH, AGED 40 YEARS, S/O. KARUNAKARAN, KANJIRATHINGAL HOUSE, 2 KARUNAKARAN, AGED 74 YEARS, S/O. KUMARAN (LATE), KANJIRATHINGAL HOUSE, 3 THANKAM, AGED 62 YEARS, W/O. KARUNAKARAN, KANJIRATHINGAL HOUSE, 4 ARUNKUMAR, AGED 34 YEARS, S/O. KARUNAKARAN, KANJIRATHINGAL HOUSE, 5 KAVITHA, AGED 42 YEARS, D/O.

KARUNAKARAN, KANJIRATHINGAL HOUSE, BY ADVS.
K.K.DHEERENDRAKRISHNAN N.P.ASHA

RESPONDENTS/STATE & VICTIM:

1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031 2 LISHA.K.S, AGED 38
YEARS, D/O. SREEDHARAN, SHALISH MANSION, KALAPPURAKKAL
HOUSE, ANGADIPPURAM, PERINTHALMANNA. P.O.,
MALAPPURAM., PIN - 679322 BY ADV. SRI.N.R.SANGEETHARAJ,
PUBLIC PROSECUTOR SRI.SHAJIN S.HAMEED FOR R2 THIS
CRIMINAL MISC. CASE HAVING COME UP FOR

ADMISSION ON 31.05.2023, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K.BABU, J.

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

ORDER

The prayer in this Crl.M.C. is to quash Annexure-I Final Report in Crime No.481/2021 of Perinthalmanna Police Station, and all further proceedings in C.C No.626/2021 on the file of the Judicial First Class Magistrate Court-I, Perinthalmanna 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 406 read with Section 34 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.

7. The learned Public Prosecutor, on instructions, submitted

that the matter was enquired into through the Investigating Officer, who has taken the 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. Laxmi 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 Laxmi 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-I Final Report in Crime No.481/2021 of Perinthalmanna Police Station, and all further proceedings in C.C No.626/2021 on the file of the Judicial First Class Magistrate Court-I, Perinthalmanna stand hereby quashed. Sd/- K.BABU, JUDGE KAS APPENDIX OF CRL.MC 1199/2023 PETITIONER ANNEXURES Annexure-I CERTIFIED COPY OF FINAL REPORT IN CRIME NO. 481/2021 OF PERINTHALMANNA POLICE STATION, MALAPPURAM DISTRICT Annexure-II NOTARIZED AFFIDAVIT DATED 10.01.2023 SWORN BY RESPONDENT NO. 2 BEFORE THE NOTARY PUBLIC

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com