

Anoop vs Mini

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Court : Kerala

Decided On : Feb-28-2023

Judge : Honourable Mr.Justice K. Babu

Appeal No. : Crl.MC/1430/2023

Appellant : ANOOP

Respondent : MINI

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. 1430 OF 2023 AGAINST THE ORDER/JUDGMENTSC 1721/2022 OF ADDITIONAL SUB COURT,ATTINGAL PETITIONERS/ACCUSED Nos 1 TO 4:

1 ANOOP AGED 32 YEARS S/O.SASI, THETTIKUZHY HOUSE NEAR GURUDEV U.P SCHOOL DARSHANAVATTAM DESOM NAGARoor VILLAGE THIRUVANANTHAPURAM DISTRICT, PIN - 69 5618. 2 ABHILASH AGED 32 YEARS S/O VISHWAMBARAN NAIR ABHILASH BHAVAN NEAR GURUDEV U.P SCHOOL DARSHANAVATTAM

DESOM NAGAROOOR VILLAGE THIRUVANANTHAPURAM DISTRICT, PIN - 695 618. 3 ANI AGED 50 YEARS S/O GOPI CHARUVILA HOUSE THETTIKUZHY DARSHANAVATTAM DESOM NAGAROOOR VILLAGE THIRUVANANTHAPURAM DISTRICT, PIN - 695 618. 4 ANOOP AGED 25 YEARS S/O ANI THETTIKUZHY HOUSE NEAR GURUDEV U.P SCHOOL DARSHANAVATTAM DESOM NAGAROOOR VILLAGE THIRUVANANTHAPURAM DISTRICT, PIN - 695 618. BY ADV UNNI SEBASTIAN KAPPEN

RESPONDENTS/DEFACTO COMPLAINANT AND STATE: 1 MINI AGED 42 YEARS W/O BIJU, PAVITHRAM, THETTIKUZHI, ALATHARAMOODU P.O, CHIRAYANKEEZHU TALUK, THIRUVANANTHAPURAM DISTRICT, PIN - 695 102. CrI.MC No.1430 of 2023 2 2 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM, PIN - 682 031. BY ADV M.REVIKRISHNAN G.SUDHEER - PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 28.02.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CrI.MC No.1430 of 2023 3 K. BABU, J ----- CrI.M.C No. 1430 of 2023 ----- Dated this the 28th day of February, 2023

ORDER

The prayer in this CrI.MC is to quash Annexure A1 Final Report in Crime No.1964/2018 of Attingal Police Station and all further proceedings in S.C No.1721/2022 on the file of the Additional Sessions Court, Attingal-Thiruvananthapuram District, against the petitioners/accused Nos.1 to 4 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 4.

3. The offences alleged against the petitioners are punishable under Sections 294(b) and 427 r/w Section 34 of the Indian Penal Code and Section 3 of the

Explosive Substances Act, 1908.

4. Respondent No.1, 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.1. CrI.MC No.1430 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, wherein 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 themselves notwithstanding the bar under Section 320 of Cr.P.C., if it is warranted in the given facts and circumstances of the case or 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 CrI.MC No.1430 of 2023 5 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 Final report in Crime No.1964/2018 of Attingal Police Station and all further proceedings in S.C No.1721/2022 on the file of the Additional Sessions Court, Attingal-Thiruvananthapuram, as against the petitioners/accused Nos.1 to 4 stand hereby quashed. Sd/- K. BABU JUDGE AMR Crl.MC No.1430 of 2023 6 APPENDIX OF CRL.MC 1430/2023 PETITIONERS ANNEXURES Annexure1 COPY OF THE FINAL REPORT IN CRIME NO : THIRUVANANTHAPURAM DISTRICT. Annexure2 THE NOTARIZED AFFIDAVIT SIGNIFYING THE FACTUM OF SETTLEMENT OF THE DISPUTES BETWEEN THE DEFACTO-COMPLAINANT AND THE PETITIONERS IN THE CRL.MC SWORN TO BY THE DEFACTO-COMPLAINANT.

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