

Mohammed V.U. vs State of Kerala

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Court : Kerala

Decided On : Mar-31-2023

Judge : Honourable Mr.Justice K. Babu

Appeal No. : Crl.MC/2169/2023

Appellant : Mohammed V.U.

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE K. BABU FRIDAY, THE 31ST DAY OF MARCH 2023 / 10TH CHAITHRA, 1945 PETITIONER: MOHAMMED V.U. AGED 31 YEARS S/O V.A. UMMER, VALLOPPILLY HOUSE, VALLANJI, VKC P.O., THEVAKKAL, ERNAKULAM, PIN - 682021 BY ADVS. C.Y.VINOD KUMAR MANOJ VASU RESPONDENTS:

1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 2 NISAR V.A. AGED 37 YEARS S/O ABDUL KHADER, VALLANJI PUTHENPURA HOUSE, VKC P.O., 3 ABDUL KHADER P.A.

AGED 62 YEARS S/O ABDUL RAHMAN, VALLANJI PUTHENPURA HOUSE, VKC P.O., 4 SUBAIDA M.P. AGED 44 YEARS W/O NIZAD V.A., VALLANJI PUTHENPURA HOUSE, VKC P.O., 5 THE SUB INSPECTOR OF POLICE EDATHALA POLICE STATION, NALAM MILE, EDATHALA, ERNAKULAM, PIN - 683112

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31.03.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.BABU, J.

----- Crl.M.C.No.2169 of 2023
----- Dated this the 31st day of March, 2023

ORDER

The prayer in this Crl.M.C. is to quash Annexure A1 FIR in Crime No.137/2023 of Edathala Police Station, and all further proceedings pursuant to it, on the ground that the parties have arrived at a settlement in respect of the subject matter.

2. The petitioner is the sole accused.

3. The offences alleged against the petitioner are punishable under Sections 323, 324, 341, 452 & 354 of the Indian Penal Code.

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

5. Heard both sides.

6. I have perused the averments in the petition and the affidavits sworn to by respondent Nos. 2 to 4.

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. 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 A1 FIR in Crime

No.137/2023 of Edathala Police Station and all further proceedings pursuant to it, stand hereby quashed.

Sd/- K.BABU, JUDGE saap APPENDIX OF CRL.MC 2169/2023 PETITIONER ANNEXURES Annexure A1 CERTIFIED COPY OF THE FIR IN CRIME NO. FILE OF THE HON'BLE JUDICIAL MAGISTRATE OF FIRST-CLASS - I, ALUVA, ERNAKULAM Annexure A2 TRUE COPY OF THE AFFIDAVIT SWORN IN BY THE 2ND RESPONDENT/DEFACTO COMPLAINANT Annexure A3 TRUE COPY OF THE AFFIDAVIT SWORN IN BY THE 3RD RESPONDENT/INJURED PERSON Annexure A4 TRUE COPY OF THE AFFIDAVIT SWORN IN BY THE 4TH RESPONDENT/INJURED PERSON //True copy//PA to Judge

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