

Sreebin 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/2218/2023

Appellant : Sreebin

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 AGAINST THE ORDER/JUDGMENTCC 3289/2020 OF JUDICIAL MAGISTRATE OF FIRST CLASS ,CHAVAKKAD PETITIONERS: 1 SREEBIN AGED 34 YEARS 2 SREENIVASAN AGED 61 YEARS 3 VASANTHA AGED 59 YEARS BY ADV SARATH BABU KOTTAKKAL RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 2 KRISHNADEEPTHI AGED 31 YEARS POOZHICKUNNATH HOUSE, POKKULANGARA DESOM, ENGANDIYUR VILLAGE, THRISSUR, KERALA, PIN - 680615 BY ADV PUBLIC PROSECUTOR 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.2218 of 2023
----- Dated this the 31st day of March, 2023

ORDER

The prayer in this Crl.M.C. is to quash Annexure A1 FIR and Annexure A2 Final Report in Crime No.636/2020 of Vadanappally Police Station, Thrissur and all further proceedings in C.C.No.3289/2020 on the file of the Judicial First Class Magistrate Court, Chavakkad 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 406, 498-A, 354-A(ii) and 354-A(iv) 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 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 A1 FIR and

Annexure A2 Final Report in Crime No.636/2020 of Vadanappally Police Station and all further proceedings in C.C.No.3289/2020 on the file of the Judicial First Class Magistrate Court, Chavakkad stand hereby quashed. Sd/- K.BABU, JUDGE
saap APPENDIX OF CRL.MC 2218/2023 PETITIONER ANNEXURES Annexure A1 A CERTIFIED COPY OF THE FIR IN CRIME NO. DATED 01.06.2020

Annexure A2 A CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 636/2020 OF VADANAPALLY POLICE STATION SUBMITTED BEFORE THE HON'BLE JUDICIAL FIRST-CLASS MAGISTRATE'S COURT, CHAVAKKAD DATED 27.11.2020 Annexure A3 AN ORIGINAL AFFIDAVIT OF THE 2ND RESPONDENT DATED 06/03/2023 //True copy//PA to Judge

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