

Eldho James vs Reeja

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Court : Kerala

Decided On : Mar-31-2023

Judge : Honourable Mr.Justice K. Babu

Appeal No. : Crl.MC/2521/2023

Appellant : Eldho James

Respondent : REEJA

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 218/2019 OF JUDICIAL MAGISTRATE OF FIRST CLASS I ,PERUMBAAVOOR PETITIONERS:

1 ELDHO JAMES AGED 35 YEARS S/O JAMES, PYNADATHU HOUSE, ALLAPRA KARA, VENGOLA VILLAGE, KUNNATHUNADU TALUK, ERNAKULAM DISTRICT,, PIN - 2 JAMES AGED 64 YEARS S/O VARKEY, PYNADATHU HOUSE, ALLAPRA KARA, VENGOLA VILLAGE, KUNNATHUNADU TALUK, ERANKULAM DISTRICT,, PIN - 3 LEYA JAMES AGED 56 YEARS W/O JAMES , PYNADATHU HOUSE,

ALLAPRA KARA, VENGOLA VILLAGE, KUNNATHUNADU TALUK,
ERANKULAM DISTRICT,, PIN - BY ADV K.SUNILKUMAR

RESPONDENTS:

1 REEJA AGED 34 YEARS D/O SLEEBA, POOVATHINKAL THOMBRA
HOUSE, ARACKAPPADY KARA, PERUMANI BHAGAM,
ARACKAPPADY VILLAGE, ERNAKULAM DISTRICT., PIN - 683556 2
STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN -
682031 BY ADV ASWATHY BABU 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.2521 of 2023
----- Dated this the 31st day of March, 2023

ORDER

The prayer in this Crl.M.C. is to quash Annexure A1 Final Report in Crime No.3115/2018 of Perumbavoor Police Station, and all further proceedings in C.C.No.218/2019 on the file of the Judicial First Class Magistrate Court-I, Perumbavoor 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 498-A, 324, 202 and 34 of the Indian Penal code.

4. The 1st respondent, the defacto complainant entered appearance through counsel. An affidavit sworn to by her has also been placed before the Court.

5. Heard both sides.

6. I have perused the averments in the petition and the affidavit sworn to by respondent No.1.

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.

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. Annexure A1 Final report

in Crime No.3115/2018 of Perumbavoor Police Station and all further proceedings in C.C.No.218/2019 on the file of the Judicial First Class Magistrate Court-I, Perumbavoor stand hereby quashed. Sd/- K.BABU, JUDGE saap APPENDIX OF CRL.MC 2521/2023 PETITIONER ANNEXURES Annexure A1 THE CERTIFIED COPY OF THE FINAL REPORT DATED 17/04/2019 IN C.C.NO.218/2019 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I , PERUMBAVOOR, WHICH AROSE FROM CRIME NO.3115/2018 OF PERUMBAVOOR POLICE STATION Annexure A2 THE TRUE COPY OF THE AFFIDAVIT SWORN BY THE 1ST RESPONDENT/DEFACTO COMPLAINANT //True copy//PA to Judge

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