

Thajib vs State of Kerala, Represented by the Public Prosecutor

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Court : Kerala

Decided On : Apr-12-2023

Judge : Honourable Mr.Justice K. Babu

Appeal No. : Crl.MC/2526/2023

Appellant : Thajib

Respondent : State of Kerala, Represented by the Public Prosecutor

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE K. BABU WEDNESDAY, THE 12TH DAY OF APRIL 2023 / 22ND CHAITHRA, 1945 CRL.MC NO. 2526 OF 2023 AGAINST CC 861/2022 OF JUDICIAL MAGISTRATE OF FIRST CLASS -I, ALAPPUZHA IN CRIME NO.449/2022 OF ALAPPUZHA POLICE STATION PETITIONERS/ACCUSED NOS. 1 TO 3: 1 THAJIB, AGED 28 YEARS, S/O JALEEL, DHARUL JINN HOUSE, PUNNAPRA VADAKKU 2 BALKEES BEGAM, AGED 51 YEARS, W/O JALEEL DHARUL JINN HOUSE, PUNNAPRA VADAKKU 3 RAMSI, AGED 21 YEARS D/O JALEEL DHARUL JINN HOUSE, PUNNAPRA VADAKKU BY ADV SRI.M.R.SASITH RESPONDENTS/STATE/DEFACTO COMPLAINANT:

1 STATE OF KERALA, REPRESENTED BY THE PUBLIC
PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM,, PIN -
682031 2 REHANA, AGED 24 YEARS, D/O KABEER, KABEER
MANZIL, VAZHICHERRY WARD, ALAPPUZHA,, PIN - 688011 3 SUB
INSPECTOR OF POLICE SOUTH POLICE STATION,ALAPPUZHA
DISTRICT, PIN - 688001 BY ADV. SRI.G.SUDHEER, PP THIS
CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON

12.04.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.BABU, J.

----- Dated this the 12th day
of April, 2023

ORDER

The prayer in this Crl.M.C. is to quash Annexure-A2 Final Report in Crime No.449/2022 of Alappuzha South Police Station and all further proceedings in C.C.No.861/2022 on the file of the Judicial First Class Magistrate Court-I, Alappuzha, 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 & 34 of IPC.

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*

[(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-A2 Final

Report in Crime No.449/2022 of Alappuzha South Police Station and all further proceedings in C.C.No.861/2022 on the file of the Judicial First Class Magistrate Court-I, Alappuzha, stand hereby quashed. Sd/- K.BABU JUDGE VPK APPENDIX OF CRL.MC 2526/2023 PETITIONER ANNEXURES Annexure A1 THE CERTIFIED COPY OF THE FIR IN CRIME NO. 449/2022 OF ALAPPUZHA SOUTH POLICE STATION REGISTERED BY THE 3RD RESPONDENT DATED 01/06/2022 Annexure A2 CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 449/2022 OF ALAPPUZHA SOUTH POLICE STATION, ALAPPUZHA Annexure A3 THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT

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