

Shine vs State of Kerala

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Court : Kerala

Decided On : May-29-2023

Judge : Honourable Mr.Justice K. Babu

Appeal No. : Crl.MC/3797/2023

Appellant : Shine

Respondent : State of Kerala

Judgement :

CRL.MC NO. 3797 OF 2023 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE K. BABU MONDAY, THE 29TH DAY OF MAY 2023 / 8TH JYASHTA, 1945 CRL.MC NO. 3797 OF 2023 CRIME NO.745/2019 OF NAGAROOR POLICE STATION, Thiruvananthapuram AGAINSTCC 1930/2019 OF JUDICIAL MAGISTRATE OF FIRST CLASS - I,ATTINGAL PETITIONER: SHINE, AGED 43 YEARS S/O. PEETHAMBHARAN, GOKULAM HOUSE, NEAR MULLASSERY WATER TANK, PATTALA DESOM, ALAMCODE VILLAGE, THIRUVANANTHAPURAM DISTRICT., PIN - 695102 BY ADV SHAJIN S.HAMEED RESPONDENTS: 1 STATE OF KERALA

REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM., PIN - 682031 2 LATHIKA, AGED 64 YEARS D/O. VAIDEHI, SAPTHAGIRI HOUSE, NEAR MULLASSERY WATER TANK, VANCHIYOOR DESOM, ALAMCODE VILLAGE, THIRUVANANTHAPURAM DISTRICT., PIN - 695102 R1 BY SRI.SANGEETHA RAJ-PUBLIC PROSECUTOR R2 BY SRI.A.K.RAJESH THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29.05.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CRL.MC NO. 3797 OF 2023 2

K.BABU, J.

----- CrI.M.C.No.3797 of 2023
----- Dated this the 29th day of May, 2023

ORDER

The prayer in this CrI.M.C. is to quash Annexure A Final Report in Crime No.745/2019 of Nagaroor Police Station and all further proceedings in C.C.No.1930/2019 on the file of the Judicial First Class Magistrate Court I, Attingal 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 451, 341, 294(b) and 323 of IPC.

4. Respondent No.2, 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.2. CRL.MC NO. 3797 OF 2023 3

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

CRL.MC NO. 3797 OF 2023 4 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 A Final Report in

Crime No.745/2019 of Nagaroor Police Station and all further proceedings in C.C.No.1930/2019 on the file of the Judicial First Class Magistrate Court I, Attingal stand hereby quashed. Sd/- K.BABU, JUDGE ab CRL.MC NO. 3797 OF 2023 5 APPENDIX OF CRL.MC 3797/2023 PETITIONER ANNEXURES Annexure-A CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.745/2019 OF NAGAROOOR POLICE STATION. Annexure-B AFFIDAVIT SWORN AND EXECUTED BY THE 2ND RESPONDENT/CW1. RESPONDENTS ANNEXURES: NIL

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