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Muneer vs State of Kerala

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Court : Kerala

Decided On : Aug-01-2023

Judge : Honourable Mr.Justice K. Babu

Appeal No. : Crl.MC/5289/2023

Appellant : Muneer

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE K. BABU TUESDAY, THE 1ST DAY OF AUGUST 2023 / 10TH SRAVANA, 1945 CRL.MC NO. 5289 OF 2023 AGAINST CC 633/2021 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,NILAMBUR IN CRIME NO.422/2021 OF NILAMBUR POLICE STATION, MALAPPURAM PETITIONERS/1ST TO 4TH ACCUSED:

1 MUNEER AGED 33 YEARS S/O.SULAIMAN, THARIYAKKODAN HOUSE, PATHIPPARA, NALLAMTHANNI, NILAMBUR, MALAPPURAM DISTRICT., PIN - 679329 2 FATHIMA AGED 59 YEARS W/O. SULAIMAN, THARIYAKKODAN HOUSE, PATHIPPARA, NALLAMTHANNI, NILAMBUR, MALAPPURAM DISTRICT., PIN -

679329 3 MUBEENA AGED 39 YEARS W/O. AHAMMED SAGEER.C.K, CHERUKAD VEEDU, CHUNGATHARA, MALAPPURAM DISTRICT., PIN - 679334 4 AHAMMED SAGEER.C.K. AGED 45 YEARS S/O. KUNJALAN, CHERUKAD VEEDU, CHUNGATHARA, MALAPPURAM DISTRICT., PIN - 679334 BY ADV K.VIDYASAGAR

RESPONDENTS/STATE & DEFACTO COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM., PIN - 682031 ..2.. 2 RASHA MOL AGED 23 YEARS D/O.HAMZA, POTTENGAL HOUSE, AKAMPADAM, ERANHIMANGAD POST, MALAPPURAM DISTRICT., PIN - BY SRI.SANGEETHARAJ N.R - PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01.08.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: ..3..

K.BABU, J.

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ORDER

The prayer in this Crl.M.C. is to quash Annexure-A1 FIR and Annexure A-2 Final Report in Crime No.422 of 2021 of Nilambur Police Station, and all further proceedings in C.C.No.633 of 2021 on the file of the Judicial First Class Magistrate court-I, Nilambur 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 4.

3. The offences alleged against the petitioners are punishable under Sections 498-A and 406 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. ..4..

5. Heard Shri. K. Vidyasagar, the learned counsel for the petitioners, the learned counsel for respondent No.2 and the learned Public Prosecutor.

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 ..5.. 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 ..6.. 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 A-2 Final Report in Crime No.422 of 2021 of Nilambur Police Station, and all further proceedings in C.C.No.633 of 2021 on the file of the Judicial First Class Magistrate court-I, Nilambur, stand hereby quashed. Sd/- K.BABU, JUDGE kkj ..7.. APPENDIX OF CRL.MC 5289/2023 PETITIONER ANNEXURES Annexure-A1 THE CERTIFIED COPY OF FIR AND FIS IN CRIME NO.422/2021 OF NILAMBUR POLICE STATION. Annexure-A2 THE CERTIFIED COPY OF FINAL REPORT IN CRIME NO.422/2021 OF NILAMBUR POLICE STATION. Annexure-A3 A CERTIFIED COPY OF THE MEMORANDUM OF EVIDENCE IN CRIME NO.422/2021 OF NILAMBUR POLICE STATION. Annexure-A4 A TRUE COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT. Annexure-A5 THE NOTARY ATTESTED COPY OF AGREEMENT DATED 02.05.2023 EXECUTED BETWEEN THE 1ST PETITIONER AND 2ND RESPONDENT/DEFACTO COMPLAINANT

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