

Rajan 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/5930/2023

Appellant : RAJAN

Respondent : State of Kerala

Judgement :

CRL.MC NO. 5930 OF 2023 1

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. 5930 OF 2023 AGAINST CC 462/2023 OF JUDICIAL MAGISTRATE OF FIRST CLASS - I,THRISSUR PETITIONERS:

1 RAJAN, AGED 42 YEARS S/O ARJUNAN, PATTATH HOUSE, NATTIKA DESOM VILLAGE, THRISSUR DISTRICT., PIN - 680566 2
RADHA, AGED 62 YEARS W/O ARJUNAN, PATTATH HOUSE, NATTIKA DESOM VILLAGE, THRISSUR DISTRICT., PIN - 680566 3
ARJUNAN, AGED 65 YEARS PATTATH HOUSE, NATTIKA DESOM

VILLAGE, THRISSUR DISTRICT., PIN - 680566 BY ADV JITHIN BABU
A

RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 2 JINI V V, AGED 38
YEARS, D/O VELAYUDHAN, VARAPPILLI HOUSE, VALLACHIRA P O,
THRISSUR DISTRICT., PIN - 680562 R1 BY SMT.M.K.PUSHPALATHA -PUBLIC
PROSECUTOR R2 BY SRI.ARUN SAMUEL THIS CRIMINAL MISC. CASE
HAVING COME UP FOR ADMISSION ON 01.08.2023, THE COURT ON THE
SAME DAY PASSED THE FOLLOWING: CRL.MC NO. 5930 OF 2023 2

K.BABU, J.

----- Crl.M.C.No.5930 of 2023
----- Dated this the 1st day of August, 2023

ORDER

The prayer in this Crl.M.C. is to quash Annexure A1 FIR and Annexure A2 Final Report in Crime No.465/2022 of Cherpu Police Station and all further proceedings in C.C.No.462/2023 on the file of the Judicial First Class Magistrate Court-I, Thrissur 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 offence alleged against the petitioners is punishable under Section 498-A 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. CRL.MC NO. 5930 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. 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 CRL.MC NO. 5930 OF 2023 4 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 offence in question does not fall within the category of serious offences or heinous offences.

10. The offence in the present case does 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.465/2022 of Cherpu Police Station and all further proceedings in C.C.No.462/2023 on the file of the Judicial First Class Magistrate Court-I, Thrissur stand hereby quashed. Sd/- K.BABU, JUDGE ab CRL.MC NO. 5930 OF 2023 5 APPENDIX OF CRL.MC 5930/2023 PETITIONER ANNEXURES Annexure A1 A CERTIFIED COPY OF THE FIR DATED REGISTERED AT CHERPU POLICE STATION, THRISSUR DISTRICT. Annexure A2 A CERTIFIED COPY OF THE FINAL REPORT LAID AGAINST THE PETITIONERS IN C. C. NO. JUDICIAL FIRST CLASS MAGISTRATE'S COURT NO.I, THRISSUR. Annexure A3 THE AFFIDAVIT DATED 05/04/2023 SWORN BY THE 2ND RESPONDENT/DE-FACTO COMPLAINANT. RESPONDENTS ANNEXURES: NIL

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