

Gladson vs State of Kerala

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Court : Kerala

Decided On : Jan-31-2023

Judge : Honourable Mr.Justice K. Babu

Appeal No. : Crl.MC/6104/2022

Appellant : Gladson

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE K. BABU TUESDAY, THE 31ST DAY OF JANUARY 2023 / 11TH MAGHA, 1944 AGAINST THE ORDER/JUDGMENTCC 2724/2014 OF JUDICIAL MAGISTRATE OF FIRST CLASS -III,THRISSUR CRIME NO.750 OF 2014 OF OLLUR POLICE STATION PETITIONER/S: GLADSON AGED 45 YEARS SON OF JOHNSON, KUTTIKKADAN HOUSE, L/43, FIRST STAGE, KUVEMBU NAGAR, MYSORE CORPORATION, KARNATAKA STATE, PIN - 570023 BY ADV M.J.POLLY RESPONDENT/S:

1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, PIN - 682031 2 INSPECTOR OF POLICE, OLLUR POLICE STATION

INSPECTOR OF POLICE, OLLUR POLICE STATION, PIN - 680360 3
LOVELY AGED 38 YEARS LOVELY, 38 YEARS, D/O SUNNY,
CHIRAMEL HOUSE, ST. THOMAS STREET, KURIACHIRA DESOM,
VILLAGE &P.O, THRISSUR TALUK THRISSUR DISTRICT, PIN -
OTHER PRESENT: G SUDHEER PP THIS CRIMINAL MISC. CASE
HAVING COME UP FOR ADMISSION ON 31.01.2023, THE COURT ON
THE SAME DAY PASSED THE FOLLOWING: ..2..

K.BABU, J.

----- Crl.M.C.No.6104 of 2022
----- Dated this the 31st day of January, 2023

ORDER

The prayer in this Crl.M.C. is to quash all further proceedings in C.C.No.2724/2014 on the file of the Judicial First Class Magistrate Court-III, Thrissur, on the ground that the parties have arrived at a settlement in respect of the subject matter.

2. The petitioner is accused No1.

3. The offences alleged against the petitioner are punishable under Sections 498A, 406 and 34 of IPC.

4. Respondent No.3, the defacto complainant, entered appearance through counsel. An affidavit sworn to by her has also been placed before the Court.

5. Heard Sri.Polly M.J., the learned counsel for the petitioner, the learned counsel for respondent No.2 and ..3.. the learned Public Prosecutor.

6. I have perused the averments in the petition and the affidavit sworn to by respondent No.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* ..4..

[(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 ..5.. served in proceeding with the matter further. Resultantly, the Crl.M.C is allowed. Annexure-III

Final Report in Crime No.750 of 2014 of Ollur Police Station and all further proceedings in C.C.No.2724/2014 on the file of the Judicial First Class Magistrate Court-III, Thrissur, stand hereby quashed.

Sd/- K.BABU, JUDGE kkj ..6.. CRL.MC 6104/2022 PETITIONER ANNEXURES
Annexure1 NOTARISED AFFIDAVIT FILED BY THE DEFACTO COMPLAINANT
Annexure2 QUASHED ORDER OF THE ACCUSED NO. 2 AND 3 OF THE
HON'BLE HIGH COURT IN CRL. M.C 602/2016 DATED 10-11-2016 Annexure3
FIR AND FI STATEMENT IN CRIME NO. Annexure4 CHARGECOPY AND
WITNESS LIST IN CRIME NO. 750/2014 OF OLLUR POLICE STATION

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