

Prinu vs State of Kerala

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Court : Kerala

Decided On : Apr-03-2023

Judge : Honourable Mr.Justice K. Babu

Appeal No. : Crl.MC/7399/2022

Appellant : PRINU

Respondent : State of Kerala

Judgement :

Crl.M.C.No.7399 of 2022 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE K. BABU MONDAY, THE 3RD DAY OF APRIL 2023 / 13TH CHAITHRA, 1945 CRL.MC NO. 7399 OF 2022 CRIME NO.443/2019 OF WADAKKANCHERRY POLICE STATION, THRISSUR PETITIONER: PRINU, AGED 33 YEARS S/O DASAN, PUSHPA BHAVAN, MARYAPURAM, UDIYANKULANGARA, CHENKAL VILLAGE , NEYYATTINKARA TALUK, THIRUVNANATHAPURAM, PIN - 695132 BY ADVS. K.RAJESH KANNAN P.C.VIJAYAKUMAR RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF

KERALA, ERNAKULAM, PIN - 682031 2 DARSHANA, AGED 27 YEARS
D/O RAJESH KUMAR, CHAKOTTIL HOUSE, MUDAKKOT, KURISSI
DESAM, CHALAVARA VILLAGE, OTTAPPALAM, PALAKKAD, PIN -
679101 R1 BY SMT.M.K.PUSHPALATHA-PUBLIC PROSECUTOR R2
BY ADV A.A.GEETHA THIS CRIMINAL MISC. CASE HAVING COME
UP FOR ADMISSION ON 03.04.2023, THE COURT ON THE SAME
DAY PASSED THE FOLLOWING: Crl.M.C.No.7399 of 2022 2

K.BABU, J.

----- Crl.M.C.No.7399 of 2022
----- Dated this the 3rd day of April, 2023

ORDER

The prayer in this Crl.M.C. is to quash Annexure I FIR in Crime No.443/2019 of Wadakancherry Police Station 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 Section 294(b) of IPC and Sections 66E and 67 of the Information Technology (Amendment) Act, 2008.

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.

7. The learned Public Prosecutor, on instructions, submitted that the Crl.M.C.No.7399 of 2022 3

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 of justice or to prevent abuse of the process of any Court.

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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 I FIR in Crime No.443/2019 of Wadakancherry Police Station stands hereby quashed. Sd/- K.BABU, JUDGE ab Crl.M.C.No.7399 of 2022 5 APPENDIX OF CRL.MC 7399/2022 PETITIONER ANNEXURES Annexure I CERTIFIED COPY OF THE F.I.R. IN CRIME NO.443/2019 OF WADAKANCHERRY POLICE STATION, THRISSUR DISTRICT DATED 13.07.2019 Annexure II THE ORIGINAL AFFIDAVIT FILED BY THE 2ND RESPONDENT DATED 29.9.2022 RESPONDENTS ANNEXURES: NIL

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