

Rakesh vs Radha

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Court : Kerala

Decided On : Jan-31-2023

Judge : Honourable Mr.Justice K. Babu

Appeal No. : Crl.MC/7425/2022

Appellant : Rakesh

Respondent : RADHA

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 CRIME NO.317 OF 2022 OF NARUVAMOOD POLICE STATION, THIRUVANANTHAPURAM CC NO. 4790/2022 OF JFCM-III, NEYYATTINKARA, THIRUVANANTHAPURAM PETITIONER/ACCUSED: RAKESH AGED 37 YEARS S/O RAJENDRAN, NETTAKOOTAM, PANAYIL VEEDU, NARUVAMOODE P.O, THIRUVANANTHAPURAM, PIN - 695528 BY ADV LIJU. M.P RESPONDENTS/DEFACTO COMPLAINANT & STATE:

1 RADHA AGED 51 YEARS D/O AMMUKUTTY, S R BHAVAN,
PANAYIL VEEDU, NARUVAMOODU P.O, THIRUVANANTHAPURAM,
PIN - 695528 2 STATE OF KERALA REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 R1 BY ADV
VINOD KUMAR C OTHER PRESENT: R2 BY M K PUSHPA LETHA,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.7425 of 2022
----- Dated this the 31st day of January, 2023

ORDER

The prayer in this Crl.M.C. is to quash Annexure -1 Final Report in Crime No.317/2022 of Naruvamood Police Station and to quash all further proceedings in C.C.No.4790/2022 on the files of the Judicial First Class Magistrate Court-III, Neyyattinkara 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 294(b), 341, 506(i) and 323 of IPC.

4. Respondent No.1, the defacto complainant entered appearance through counsel. An affidavit sworn to by her has also been placed before the Court. ..3..

5. Heard Sri. Liju, the learned counsel for the petitioner, Sri. Vinod Kumar C., the learned counsel for respondent No.1 and the learned Public Prosecutor.

6. I have perused the averments in the petition and the affidavit sworn to by the respondent.

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 ..4..*

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.

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 ..5.. 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 CrI.M.C is allowed. Annexure -1 Final Report in

Crime No.317/2022 of Naruavamood Police Station and all further proceedings in C.C.No.4790/2022 on the files of the Judicial First Class

Magistrate Court-III, Neyyattinkara stand hereby quashed. Sd/- K.BABU, JUDGE
kkj ..6.. APPENDIX OF CRL.MC 7425/2022 PETITIONER ANNEXURES
Annexure1 CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 317/2022
OF NAVARUMOOD POLICE STATION, THIRUVANANTHAPURAM Annexure2
ORIGINAL AFFIDAVIT EXECUTED BY 1ST RESPONDENT DATED 12.10.22

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