

Revathi vs State of Kerala

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Court : Kerala

Decided On : Feb-28-2023

Judge : Honourable Mr.Justice K. Babu

Appeal No. : Crl.MC/5917/2020

Appellant : Revathi

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE K. BABU TUESDAY, THE 28TH DAY OF FEBRUARY 2023 / 9TH PHALGUNA, 1944 CRL.MC NO. 5917 OF 2020 AGAINST ST 58/2020 OF JUDICIAL MAGISTRATE OF FIRST CLASS ,CHAVAKKAD IN CRIME NO.481/2019 OF PAVARATTY POLICE STATION, THRISSUR PETITIONERS/ACCUSED NOS. 1 & 2: 1 REVATHI, AGED 23 YEARS, W/O SREENATH, EZHUTHUPURAKKAL VEEDU, KAKKASERI P O, THRISSUR DISTRICT, KERALA-680511. 2 ABHISHEK, S/O RAJEEV, EZHUTHUPURAKKAL VEEDU, KAKKASERI P O, THRISSUR DISTRICT, KERALA-680511. BY ADVS. SRI.ARUN KUMAR.P SMT.AMBIKA RADHAKRISHNAN SRI.LIJIN THAMBAN RESPONDENTS/STATE & COMPLAINANT:

1 STATE OF KERALA REPRESENTED BY SHO PAVARATTY POLICE STATION, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682031. 2 SHAILAJA, AGED 55 YEARS, W/O KAILASANATHAN, VENKINNIPARAMBIL HOUSE, PERUVALLUR, MULLASSERI P O, PAVARATTY, THRISSUR DISTRICT, KERALA-680509. BY ADV SMT.PUSHPALATHA,PP SRI.MAHESH V MENON

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 28.02.2023,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.BABU, J.

----- Dated this the 28th day
of February, 2023

ORDER

The prayer in this CrI.M.C. is to quash Annexure - A1 Final Report in Crime No.481/2019 of Pavaratty Police Station, Thrissur and all further proceedings in S.T.No.58/2020 on the file of the Judicial First Class Magistrate Court, Chavakkad.

2. Now, the petitioners and respondent No.2 have submitted that they have settled the subject matter.

3. The offences alleged against the petitioners are punishable under Sections 341 and 323 read with Section 34 of IPC.

4. An affidavit sworn to by respondent No.2 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 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 the offences not coming under the category of serious offences, where the parties have settled the matter between themselves, 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 served in proceeding with the matter further. Resultantly, the CrI.M.C is allowed. Annexure - A1 Final

Report in Crime No.481/2019 of Pavaratty Police Station, Thrissur and all further proceedings in S.T.No.58/2020 on the file of the Judicial First Class Magistrate

Court, Chavakkad, stand hereby quashed.

Sd/- K.BABU JUDGE VPK APPENDIX OF CRL.MC 5917/2020 PETITIONER ANNEXURES ANNEXURE-A1 A CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 481/2019 OF PAVARATTY POLICE STATION FILED BEFORE THE LEARNED JFMC CHAVAKKAD. ANNEXURE-A2 A TRUE COPY OF THE FIR NO.478/19 OF PAVARATTY POLICE STATION DATED 21.10.2019 ON THE COMPLAINT OF THE 1ST PETITIONER. ANNEXURE-A3 A TRUE COPY OF THE WOUND CERTIFICATE OF THE 2ND RESPONDENT DATED 21.10.2019.

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