

Ummer vs State of Kerala

Ummer vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1396065

Court : Kerala

Decided On : Feb-01-2023

Judge : Honourable Mr.Justice K. Babu

Appeal No. : Crl.MC/7599/2022

Appellant : UMMER

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE K. BABU WEDNESDAY,
THE 1ST DAY OF FEBRUARY 2023 / 12TH MAGHA, 1944 CRL.MC
NO. 7599 OF 2022 AGAINST LP 33/2010 OF JUDICIAL MAGISTRATE
OF FIRST CLASS -I, PONNANI IN CRIME NO.158/2006 OF PONNANI
POLICE STATION, MALAPPURAM DISTRICT
PETITIONER/ACCUSED: UMMER, AGED 44 YEARS, S/O. SOOPI,
ALIYAMAKANAKATH HOUSE, NEAR MES COLLEGE, PONNANI,
MALAPPURAM DISTRICT, PIN - 679577 BY ADV SRI.K.RAKESH
RESPONDENT/S/STATE & DEFACTO COMPLAINANT:

1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI, PIN - 682031 2 THE
STATION HOUSE OFFICER, PONNANI POLICE STATION,
MALAPPURAM DISTRICT, PIN - 679577 3 PANIKAVEETIL KADEEJA,
AGED 35 YEARS, D/O. ABDUTTY, PANIKAVEETIL HOUSE,
PONNANI P.O., MALAPPURAM DISTRICT, PIN - 679577 BY ADVS.
SMT.M.K.PUSHPALATHA,PP SRI.K.S.PRAVEEN THIS CRIMINAL
MISC. CASE HAVING COME UP FOR ADMISSION ON 01.02.2023,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.BABU, J.

----- Dated this the
1st day of February, 2023

ORDER

The prayer in this Crl.M.C. is to quash the proceedings in L.P.No.33/2010 of the Judicial First Class Magistrate Court, Ponnani, arising out of Crime No.158/2006 of the Ponnani Police Station, Malappuram, pursuant to Annexure A Final Report, 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 offence alleged against the petitioner is punishable under Section 498-A 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 both sides.

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* [(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 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 *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. All further proceedings in

Annexure A Final Report (L.P. No.33/2010) on the file of of the Judicial First Class Magistrate Court, Ponnani, arising out of Crime

No.158/2006 of the Ponnani Police Station, Malappuram, stand hereby quashed.
Sd/- K.BABU JUDGE VPK APPENDIX OF CRL.MC 7599/2022 PETITIONER
ANNEXURES Annexure A CERTIFIED COPY OF THE FINAL REPORT IN
CRIME NO.158/2006 OF THE PONNANI POLICE STATION Annexure B
AFFIDAVIT EXECUTED BY THE 3RD RESPONDENT DATED 8-10-2022

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com