

Sasidharan vs State of Kerala

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Court : Kerala

Decided On : Jul-31-2023

Judge : Honourable Mr.Justice K. Babu

Appeal No. : Crl.MC/8066/2022

Appellant : Sasidharan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE K. BABU MONDAY, THE 31ST DAY OF JULY 2023 / 9TH SRAVANA, 1945 CRL.MC NO. 8066 OF 2022 AGAINST CC 1822/2017 OF JUDICIAL MAGISTRATE OF FIRST CLASS, WADAKKANCHERY IN CRIME NO.508/2017 OF WADAKKANCHERY POLICE STATION PETITIONERSACCUSED NOS. 1 AND 2: 1 SASIDHARAN, AGED 56 YEARS, S/O PARAMESWARAN, CHAKKATH, MULLURKKARA VILLAGE, THALAPPILLY TALUK, THRISSUR, PIN - 680583 2 SARASWATHY, AGED 74 YEARS, W/O PARAMESWARAN, CHAKKATH, MULLURKKARA VILLAGE, THALAPPILLY TALUK, THRISSUR-680583., PIN - 680583 BY ADVS. SRI.ABDUL JALEEL.A SMT.M.A.SULFIA RESPONDENTS/DEFACTO

COMPLAINANT: 1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 2 THE SHO,WADAKKANCHERY POLICE STATION, TRISSUR-680582 3 VIDHYA,AGED 47 YEARS, D/O NARAYANKUTTY NAIR, MURALI KRISHNA HOUSE, CHUDVALATHUR DESOM SHORNUR, PALAKKAD-679121, PIN - 679121 BY ADV SRI.G.SUDHEER, PP SRI.P.J.JOSEPH (PALLIPARAMBIL) THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31.07.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.BABU, J.

----- Crl.M.C.No. 8066 of 2022
----- Dated this the 31st day of July, 2023

ORDER

The prayer in this Crl.M.C. is to quash Annexure A1 FIR and Annexure A2 Final Report in Crime No.508/2017 of Wadakkanchery Police Station and all further proceedings in C.C.No.1822/2017 on the file of the Judicial First Class Magistrate Court, Wadakkanchery, on the ground that the parties have arrived at a settlement in respect of the subject matter.

2. The petitioner are accused Nos. 1 & 2.
3. The offences alleged against the petitioners are punishable under Sections 498-A, 323, 352 and 506 r/w Section 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 this 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 the 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. Laxmi 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 Singh* (supra) and *Laxmi 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 A1 FIR and Annexure A2 Final Report in Crime No.508/2017 of Wadankkachery Police Station and all further proceedings in C.C.No.1822/2017 on the file of the Judicial First Class Magistrate Court, Wadakkanchery stand hereby quashed. Sd/- K.BABU JUDGE VPK

APPENDIX OF CRL.MC 8066/2022 PETITIONER ANNEXURES
Annexure A1 CERTIFIED OF THE FIR IN CRIME NO. STATION
Annexure A2 CERTIFIED COPY OF FINAL REPORT IN CC:
NO.1822/2017 ON THE FILES OF THE LEARNED JUDICIAL FIRST
CLASS MAGISTRATE COURT, WADAKKANCHERY, TRISSUR
Annexure A3 TRUE COPY OF THE O.P.NO. 1760/2022 ON THE FILE
OF LEARNED FAMILY COURT, TRISSUR Annexure A4 THE
AFFIDAVIT OF 3RD RESPONDENT

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