

Aseed vs State of Kerala

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Court : Kerala

Decided On : Dec-01-2023

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/9245/2023

Appellant : ASEED

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH FRIDAY,
THE 1ST DAY OF DECEMBER 2023 / 10TH AGRAHAYANA, 1945 CRL.MC NO.
9245 OF 2023 CRIME NO.41/2023 OF Nadapuram Police Station, Kozhikode
AGAINST CC 252/2023 OF JUDICIAL MAGISTRATE OF FIRST CLASS
NADAPURAM PETITIONERS/ACCUSED:

1 ASEED AGED 41 YEARS S/O ABDULLA HAJI THARAVATTATH
HOUSE, VISHNUMANGALAM POST KALLACHI, KOZHIKODE
DISTRICT, PIN - 673506 2 ABDULLA HAJI AGED 78 YEARS
S/O.AMMAD THARAVATTATH HOUSE, VISHNUMANGALAM POST
KALLACHI, KOZHIKODE DISTRICT, PIN - 673506 3 FOUSID AGED 32

YEARS S/O ABDULLA HAJI THARAVATTATH HOUSE,
VISHNUMANGALAM POST KALLACHI, KOZHIKODE DISTRICT, PIN -
673506 4 ABIDA AGED 43 YEARS W/O HUSSAIN MULLANKATTIL,
MULLANKATTIL HOUSE, KALLACHI POST KOZHIKODE, PIN - 673506
5 FOUSIYA AGED 47 YEARS W/O SALEEM POOVULLATHIL HOUSE,
THANEERPANTHAL, KOZHIKODE, PIN - 673542 -:2:- 6 FOULISA
AGED 39 YEARS W/O MUJEEB, KOMBUKULANGARA HOUSE,
KARTHIKAPALLI POST KOZHIKODE, PIN- 673542, PIN - 673542 BY
ADV M.P.PRIYESHKUMAR

RESPONDENTS/COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 2
MASBOOBA AGED 30 YEARS D/O IBRAHIM HAJI ISTHIKAMA HOUSE,
THALIYIL, DEVARKOVIL, KAYAKODI KOZHIKODE,, PIN - 673508 OTHER
PRESENT: SRI.G.SUDHEER, PP THIS CRIMINAL MISC. CASE HAVING COME
UP FOR ADMISSION ON 01.12.2023, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING: -:3:-

ORDER

Dated this the 1st day of December, 2023 This Crl.M.C. has been preferred to
quash Annexure B Final Report in Crime No.41/2023 of Nadapuram Police Station
now pending as CC No.252/2023 on the file of the Judicial First Class Magistrate
Court, Nadapuram on the ground of settlement between the parties.

2. The petitioners are the accused Nos.1 to 6. The 2 nd respondent is the de facto complainant.
3. The offences alleged against the petitioners are punishable under Sections 406 and 498A of IPC.
4. An affidavit sworn in by the 2 nd respondent is produced.
5. I have heard Sri.Priyesh Kumar, the learned counsel for the petitioners, and Sri.G.Sudheer, the learned Public Prosecutor.

6. The averments in the petition as well as the affidavit

sworn in by the 2nd respondent would show that the entire dispute between the parties has been amicably settled and the de facto complainant has decided not to proceed with the :-4:- criminal proceedings further. The learned Prosecutor, on instruction, submits that the matter was enquired into through the investigating officer and a statement of the de facto complainant was also recorded wherein she reported that the matter was amicably settled.

7. The Apex Court 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 in State of Madhya Pradesh v. Laxmi Narayan and Others [(2019) 5 SCC 688] has held that the High Court by invoking S.482 of Cr.P.C can quash criminal proceedings in relation to non compoundable offence where the parties have settled the matter between themselves notwithstanding the bar under S.320 of Cr.P.C. if it is warranted in the given facts and circumstances of the case or to ensure the ends of justice or to prevent abuse of process of any Court.

8. The dispute in the above case is purely personal in

nature. No public interest or harmony will be adversely affected by quashing the proceedings pursuant to Annexure B. The offences in question do not fall within the category of offences prohibited for compounding in terms of the pronouncement of the :-5:- Apex Court in Gian Singh (supra), Narinder Singh (supra) and Laxmi Narayan (supra). For the reasons stated above, I am of the view that no purpose will be served in proceeding with the matter any further. Accordingly, the Crl.M.C. is allowed. Annexure B Final Report in Crime No.41/2023 of Nadapuram Police Station now pending as CC No.252/2023 on the file of the Judicial First Class Magistrate Court, Nadapuram hereby stands quashed. Sd/- DR. KAUSER EDAPPAGATH JUDGE Rp :-6:- APPENDIX OF CRL.MC 9245/2023 PETITIONER ANNEXURES Annexure A A CERTIFIED COPY OF THE FIR IN CRIME NO.41/2023 OF NADAPURAM POLICE STATION,

KOZHIKODE Annexure B A CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.41/2023 WHICH IS NOW PENDING AS C.C.NO.252/2023 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, NADAPURAM, KOZHIKODE Annexure C AFFIDAVIT SWORN BY THE SECOND RESPONDENT DATED 31.07.2023

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