

Arunkumar.a vs State of Kerala Represented by Public Prosecutor

Arunkumar.a vs State of Kerala Represented by Public Prosecutor

SooperKanoon Citation : sooperkanoon.com/1404657

Court : Kerala

Decided On : Jan-31-2023

Judge : Honourable Mr.Justice K. Babu

Appeal No. : Crl.MC/8785/2022

Appellant : Arunkumar.a

Respondent : State of Kerala Represented by Public Prosecutor

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 IN CC 613/2022 OF JUDICIAL MAGISTRATE OF FIRST CLASS - I,HOSDRUG CRIME NO.965 OF 2021 OF CHANDERA POLICE STATION, KASARGOD PETITIONER: ARUNKUMAR.A AGED 28 YEARS S/O. SUMATHI, ' RAVI VARMA BHAVAN',PADINHAREKARA, PAYYANUR AMSOM DESOM, P.O. PAYYANUR, PAYYANUR TALUK, KANNUR DISTRICT, PIN - 670307 BY ADV K.R.ARUN KRISHNAN RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY PUBLIC

PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 2 VRINDA.V AGED 28 YEARS D/O. HARINARAYANAN.M, "SREELAKAM", NEAR PAYYANNUR GOVERNMENT HOSPITAL, ANNUR VILLAGE, P.O. PAYYANUR, KANNUR DISTRICT, PIN - 670307 R2 BY ADV M.V.AMARESAN R1 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.

----- CrI.M.C.No.8785 of 2022
----- Dated this the 31st day of January, 2023

ORDER

The prayer in this CrI.M.C. is to quash Annexure -2 Final Report in Crime No. 965/2021 of Chandra Police Station and consequent C.C.No.613/2022 on the file of the Court of the Judicial First Class Magistrate-I, Hosdurg 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 498A of IPC.

4. Respondent No.2, the defacto complainant, entered appearance through counsel. An affidavit sworn to by her has also been placed before the Court.

5. Heard Sri. K.R. Arun Krishnan, the learned counsel for the petitioner, Sri. M.V. Amaresan, the learned ..3.. counsel for respondent No.2 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 of Punjab and Others* [(2014) 6 SCC 466] and *State ..4.. 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). ..5..

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 -2 Final Report in Crime No. 965/2021 of Chandra Police Station and all further proceedings in C.C.No.613/2022 on the file of the Court of the Judicial First Class Magistrate-I, Hosdurg stand hereby quashed. Sd/- K.BABU, JUDGE kkj ..6.. APPENDIX OF CRL.MC 8785/2022 PETITIONER ANNEXURES Annexure-1 TRUE COPY OF FIS IN CRIME NO.965/2021 OF CHANDERA POLICE Annexure-1(a) TRUE COPY OF FIR IN CRIME NO. 965/2021 REGISTERED BY CHANDERA POLICE Annexure-2 CERTIFIED COPY OF FINAL REPORT IN

CRIME NO.965/2021 SUBMITTED BY THE CHANDERA POLICE BEFORE THE HON'BLE JUDICIAL FIRST CLASS MAGISTRATE-1 HOSDURG. Annexure-3 TRUE COPY OF AFFIDAVIT DATED 31-10- 2022 SWORN TO BY THE 2ND RESPONDENT Annexure-4 TRUE COPY OF THE JOINT PETITION IN OP NO. 1384/2022 FOR DIVORCE UNDER SECTION 13(B) OF HINDU MARRIAGE ACT FILED BEFORE FAMILY COURT, KANNUR DATED 26-9-2022.

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