

Manu vs State of Kerala

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Court : Kerala

Decided On : Jan-23-2023

Judge : Honourable Mr.Justice K. Babu

Appeal No. : Crl.MC/9240/2022

Appellant : MANU

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE K. BABU MONDAY, THE 23RD DAY OF JANUARY 2023 / 3RD MAGHA, 1944 CRL.MC NO. 9240 OF 2022 (CRIME NO.442/2022 OF SREEKARYAM POLICE STATION, THIRUVANANTHAPURAM) PETITIONERS/ACCUSED NOS.1 TO 3: 1 MANU, AGED 33 YEARS, S/O VIJAYARAJAN, ROHINI, THIRUVANANTHAPURAM, PIN - 695588 2 VIJAYARAJAN, AGED 66 YEARS, S/O RAMAKRISHNAN, ROHINI, 3/3769, VNRA 112, POWDIKONAM P.O, THIRUVANANTHAPURAM, PIN - 695588 3 VYJAYANTHI, AGED 64 YEARS, W/O VIJAYARAJAN, ROHINI, THIRUVANANTHAPURAM, PIN - 695588 BY ADV V.A.VINOD RESPONDENTS/STATE, COMPLAINANT & DEFACTO COMPLAINANT:

1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031 2 STATION HOUSE
OFFICER, SREEKARYAM POLICE STATION,
THIRUVANANTHAPURAM, PIN - 695017 3 ANJANA KRISHNAN,
AGED 24 YEARS, D/O BINDHU, CHINCHU NIVAS, PALAYAMKUNNU,
AYIROOR P.O, THIRUVANANTHAPURAM, PIN - 695146 BY ADVS.
SHAKTHI PRAKASH G.SUDHEER,PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
23.01.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.BABU, J.

----- Dated this the 23rd day
of January, 2023

ORDER

This Crl.M.C has been instituted to quash Annexure 1 FIR in Crime No.442/2022 of Sreekaryam Police Station, Thiruvananthapuram, on the ground that the parties have arrived at a settlement in respect of the subject matter.

2. The petitioners are accused Nos.1 to 3.

3. The offences alleged against the petitioners are punishable under Sections 498-A, 323, 509, 506 and 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 the Court.

5. Heard Sri. V.A.Vinod, the learned counsel appearing for the petitioners, Sri.Shakthi Prakash, the learned counsel appearing for respondent No.3 and the learned Public Prosecutor.

6. I have perused the averments in the petition and the affidavit sworn to by respondent No.3.

7. The learned Public Prosecutor, on instruction, submitted

that the matter was enquired into through the Investigating Officer, who has taken a statement of the defacto complainant, wherein she reported that the disputes between the parties have 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 or to ensure ends of justice or to prevent abuse of 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 pursuant to Annexure 1. 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 1 FIR in Crime No.442/2022 of Sreekaryam Police Station, Thiruvananthapuram

District stands hereby quashed. Sd/- K.BABU, JUDGE KAS APPENDIX OF CRL.MC 9240/2022 PETITIONER ANNEXURES Annexure1 CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN CRIME NO. 442/2022 OF SREEKARYAM POLICE STATION, THIRUVANANTHAPURAM Annexure2 THE COPY OF THE AFFIDAVIT SWORN IN BY THE 3RD RESPONDENT DATED 02.12.2022

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