

Umesh Babu vs State of Kerala

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Court : Kerala

Decided On : Mar-03-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/6/2022

Appellant : Umesh Babu

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
THURSDAY, THE 3RD DAY OF MARCH 2022 / 12TH PHALGUNA, 1943
CRL.M.C.NO.06 OF 2022 (CC.NO.1893/2021 OF JUDICIAL FIRST CLASS
MAGISTRATE COURT-II, NEYYATTINKARA) PETITIONERS/A1 TO A5:

1 UMESH BABU, AGED 31 YEARS, S/O BALACHANDRAN NAIR,
'USHAS', T.C.57/337(1) MENILAM, THIRUVALLOM VILLAGE, 2 UBIN
BABU, AGED 25 YEARS, S/O BALACHANDRAN NAIR, 'USHAS',
T.C.57/337(1) MENILAM, THIRUVALLOM VILLAGE, 3
BALACHANDRAN NAIR @ BABU, AGED 61 YEARS, S/O
NARAYANAPILLA, 'USHAS', T.C.57/337(1) MENILAM, THIRUVALLOM

VILLAGE, 4 USHAKUMARI, AGED 59 YEARS, D/O DEVAKIAMMA, 'USHAS', T.C.57/337(1), MENILAM, THIRUVALLOM VILLAGE, 5 RAJESH @ KUTTAN, AGED 44 YEARS, S/O VELAYUDHAN, MANIMANGALAM HOUSE, T.C.64/1449(1), MENILAM, THIRUVALLAM VILLAGE, BY ADV SHAJIN S.HAMEED

..2.. RESPONDENTS/STATE,CW1 & CW2: 1 STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN-682 031. 2 RAKHI R S., AGED 26 YEARS, D/O SUDHA, RAVISUDHA, T.C.64/1558, PUNCHAKKARI, THIRUVALLOM, THIRUVANANTHAPURAM DISTRICT, PIN-695 027. 3 RAVEENDRAN NAIR, AGE 68, S/O. VELAPPAN NAIR, 'RAVISUDHA', T.C.64/1558, PUNCHAKKARI, THIRUVALLOM, THIRUVANANTHAPURAM DISTRICT, PIN-695 027. BY ADV C.S.SUMESH - R2, R3 SMT M K PUSHPALATHA -SR PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 03.03.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: ..3..

ORDER

This Crl.M.C. has been preferred to quash Annexure-A final report in Crime No.664/2020 of Thiruvallom Police Station and all further proceedings in C.C. No.1893/2021 on the file of the Judicial 1 st Class Magistrate Court-II, Neyyattinkara on the ground of settlement between the parties.

2. The petitioners are the accused nos. 1 to 5. The 2 nd respondent is the de facto complainant and the 3 rd respondent is the injured.

3. The offences alleged against the petitioners are under Sections 294(b), 506 (i), 323 & 498 A r/w 34 of the IPC.

4. The 2nd and 3rd respondent entered appearance through counsel. Affidavits sworn in by them are also produced.

5. I have heard Sri.Shajin.S.Hameed, the learned

counsel for the petitioners, Sri.C.S. Sumesh, the learned counsel for the 2nd and 3rd respondent and Smt.M.K. ..4.. Pushpalatha, the learned Senior Public Prosecutor.

6. The averments in the petition as well as the

affidavits sworn in by the 2nd and 3rd respondents 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 crime 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 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

..5.. circumstances of the case or to ensure 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-A. The offences in question do not fall within the category of offences prohibited for compounding in terms of the pronouncement of the 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 further. Accordingly, the Crl.M.C. is allowed. Annexure-A final report in Crime No.664/2020 of Thiruvallom Police Station and all further proceedings in C.C. No.1893/2021 on the file of the

Judicial 1st Class Magistrate Court-II, Neyyattinkara stands hereby quashed. Sd/- DR.KAUSER EDAPPAGATH, JUDGE ded/03.03.2022 ..6.. APPENDIX OF CRL.MC.06/2022 PETITIONER ANNEXURES : Annexure A1 CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.664/2020 OF THIRUVALLOM POLICE STATION. Annexure B PHOTOCOPY OF THE COMPROMISE PETITION

PREFERRED BY THE 1ST PETITIONER AND 2D RESPONDENT BEFORE THE FAMILY COURT, THIRUVANANTHAPURAM IN OP NO.999/2020. Annexure C PHOTOCOPY OF THE ORIGINAL PETITION OP NO.1578/2021 PREFERRED BY THE 1ST PETITIONER AND 2ND RESPONDENT JOINTLY BEFORE THE FAMILY COURT, THIRUVANANTHAPURAM. RESPONDENT'S/S EXHIBITS : NIL. //TRUE COPY// P.A. TO JUDGE

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