

Sajith, vs State of Kerala,

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Court : Kerala

Decided On : Mar-14-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/7/2022

Appellant : Sajith,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR.JUSTICE KAUSER EDAPPAGATH
MONDAY, THE 14TH DAY OF MARCH 2022 / 23RD PHALGUNA, 1943 CRL.MC
NO. 7 OF 2022 Crime No.217/2021 of Nemom Police Station,
Thiruvananthapuram PETITIONERS/ACCUSED Nos.1 & 2: 1 SAJITH, AGED 24
YEARS S/O.CHANDRANPILLAI, SARIKA NIVAS, THAZHAM SOUTH,
CHATHANOOR P.O., KOLLAM. 2 GIRIJA, AGED 47 YEARS,
W/O.CHANDRANPILLAI, SARIKA NIVAS, THAZHAM SOUTH, CHATHANOOR
P.O., KOLLAM. BY ADV SAJU.J.PANICKER RESPONDENTS/STATE & DE
FACTO COMPLAINANT:

1 STATE OF KERALA, (SUB INSPECTOR OF POLICE, NEMOM POLICE STATION, CRIME NO.217/2021), REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 031. 2 ANJITHA, AGED 21 YEARS, D/O.BINDU KUMARI, THIRUVATHIRA VEEDU, KANNAMKUZHI WARD, KUZHITHALACHAL, KALLIYOOR, NEMOM, THIRUVANANTHAPURAM-695 001. R1 BY Sri.Sangeetha Raj - Public Prosecutor THIS CRIMINAL MISC. CASE HAVING COME UP FOR

ADMISSION ON 14.03.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: ..2..

ORDER

This Crl.M.C. has been preferred to quash Annexure A1 FIR in Crime No.217/2021 of Nemom Police Station on the ground of settlement between the parties.

2. The petitioners are the accused Nos.1 and 2. The 2 nd respondent is the de facto complainant.

3. The offences alleged against the petitioners are under Sections 498A and 34 of the IPC.

4. An affidavit sworn in by the 2nd respondent is produced.

5. I have heard Sri.Saju J.Panicker, the learned counsel for the petitioners and Sri.Sangeetha Raj, the learned Public Prosecutor.

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

affidavit sworn in by the respondent No.2 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 ..3.. 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 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 A1

FIR in Crime No.217/2021 of Nemom Police Station. The offences in question do not fall within the category of offences prohibited for compounding in terms of the pronouncement of ..4.. 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 A1 FIR in Crime No.217/2021 of Nemom Police Station stands hereby quashed. Sd/- DR.KAUSER EDAPPAGATH, JUDGE skj ..5.. APPENDIX OF CRL.MC 7/2022 PETITIONERS' ANNEXURES Annexure A1 THE COPY OF THE FIR IN CRIME NO.217/2021 OF NEMOM POLICE STATION, THIRUVANANTHAPURAM. Annexure A2 THE AFFIDAVIT SIGNED BY THE 2nd RESPONDENT.

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