

Sajith, vs State of Kerala

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Court : Kerala

Decided On : Feb-07-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/39/2022

Appellant : Sajith,

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
MONDAY, THE 7TH DAY OF FEBRUARY 2022 / 18TH MAGHA, 1943
CRL.MC NO. 39 OF 2022 CR.NO.594/2015 IN CC 147/2016 OF
JUDICIAL MAGISTRATE OF FIRST CLASS-I,SULTHAN BATHERY
PETITIONER/ACCUSED: SAJITH,AGED 39 YEARS, S/O. ABDULLA,
KOROTHPARAYIL HOUSE, CHAKKAMPODI, MEENANGADI,
WAYANAD DISTRICT 673 591. BY ADVS. MATHEW KURIAKOSE
J.KRISHNAKUMAR (ADOOR) RESPONDENTS/STATE & VICTIM: 1
STATE OF KERALA, (CRIME NO. 594/2015 OF MEENANGADI POLICE
STATION), REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH
COURT OF KERALA, ERNAKULAM 682 031. 2 SNEHA SAIN, AGED 36

YEARS D/O. SAINUDEEDN RAWTHER, KATTOTTIL HOUSE,
THURUTHIYAD P.O., BALUSSERY, KOZHIKODE DISTRICT 673 004.
BY ADV MONI GEORGE R2 SMT T V NEEMA -SR PP THIS CRIMINAL
MISC. CASE HAVING COME UP FOR ADMISSION ON 07.02.2022,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -:2:-

ORDER

Dated this the 7th day of February, 2022 This CrI.M.C. has been preferred to quash Annexure A Final Report in Crime No. 594/2015 of Meenangadi Police Station now pending as C.C.No.147/2016 on the files of the Judicial First Class Magistrate I, Sulthan Bathery on the ground of settlement between the parties.

2. The petitioner is the accused. The 2nd respondent is the defacto complainant
3. The offences alleged against the petitioner are under Sections 341, 323, 294(b) and 498A of IPC.
4. The respondent No.2 entered appearance through counsel. An affidavit sworn in by her is also produced.
5. I have heard Sri. Mathew Kuriakose, the learned counsel for the petitioner, Sri. Moni George, the learned counsel for the respondent No.2 and Smt. T.V. Neema, the learned Public Prosecutor.
6. The averments in the petition as well as the affidavit -:3:-

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 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 -:4:- 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. 594/2015 of Meenangadi Plice Station now pending as C.C.No.147/2016 on the files of the Judicial First Class Magistrate I, Sulthan Bathery stands hereby quashed.

Sd/- DR. KAUSER EDAPPAGATH JUDGE kp True copy P.A. To Judge -:5:-
APPENDIX OF CRL.MC 39/2022 PETITIONER ANNEXURES Annexure A1
CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 594/2015 OF
MEENANGADI POLICE STATION IN WAYANAD DISTRICT. Annexure B
CERTIFIED COPY OF THE MEMO OF EVIDENCE IN CRIME NO. 594/2015 OF
MEENANGADI POLICE STATION IN WAYANAD DISTRICT. Annexure C
AFFIDAVIT DATED 01.01.2022 SWORN TO BY THE 2ND RESPONDENT.

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