

Binu., vs State of Kerala

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Court : Kerala

Decided On : Feb-24-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/57/2022

Appellant : BINU.,

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
THURSDAY, THE 24TH DAY OF FEBRUARY 2022 / 5TH PHALGUNA, 1943
CRL.MC NO. 57 OF 2022 CRIME NO.279/2011 OF Kazhakkuttom Police Station,
AGAINST THE ORDER/JUDGMENT IN SC 241/2012 OF PRINCIPAL SUB
COURT,ATTINGAL PETITIONERS/ACCUSED 1 TO 4:

1 BINU., AGED 30 YEARS,S/O. THULASI, PULIVILAKATHU VEETIL,
BPCL, MENAMKULAM, THIRUVANANTHAPURAM 695 582. 2 SIJI,
AGED 29 YEARS,S/O. THULASI, PULIVILAKATHU VEETIL, BPCL
MENAMKULAM, THIRUVANANTHAPURAM 695 582. 3 DEEPU, AGED
29 YEARS,S/O. BABY, DEEPU NIVAS, THETTIKKULAM ROAD,

VADASSERIKKONAM, CHERANNIYOOR VILLAGE,
THIRUVANANTHAPURAM 695 142. 4 RAHUL CHANDRAN, AGED 29
YEARS S/O. CHANDRAN ASARI, REMYABHAVAN, VILAYIL KULAM,
MENAMKULAM, THIRUVANANTHAPURAM 695 582. BY ADVS. AJAYA
KUMAR. G M.JAYAKRISHNAN

RESPONDENTS/STATE/COMPLAINANT CW1/CW2

1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA ERNAKULAM 682 031. -:2:- 2 STATION
HOUSE OFFICER, KAZHAKOOTAM POLICE STATION,
KAZHAKOOTAM, THIRUVANANTHAPURAM DISTRICT 695 582. 3
SUKUMARI, AGED 64 YEARS W/O. VIKRAMAN NAIR, VADIYIL
VEEDU, MENAMKULAM, THIRUVANANTHAPURAM 695 582. 4
GOPALAKRISHNAN @ MANIYAN, AGED 60 YEARS, S/O.
KUTTANPILLAI, VADIYIL VEEDU, MENAMKULAM,
THIRUVANANTHAPURAM 695 582. BY ADV C.R.BIJU KUMAR R3 & 4
SMT. T.V. NEEMA, SR. PP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
24.02.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -:3:-

ORDER

Dated this the 24th day of February, 2022 This Crl.M.C. has been preferred to
quash Annexure A1 Final Report in Crime No.279/2011 of Kazhakootam Police
Station and further proceedings in S.C.No.241/2012 on the files of the Assistant
Sessions Court, Attingal on the ground of settlement between the parties.

2. The petitioners are the accused Nos. 1 to 4. The 3 rd respondent is the defacto
complainant and the 4 th respondent is the injured.

3. The offences alleged against the petitioners are under Sections 294(b), 323,
324, 326, 308 and 34 of IPC

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

5. I have heard Sri. Ajayakumar, the learned counsel for the petitioners, Sri. C.R. Biju Kumar, the learned counsel for the respondent Nos. 3 and 4 and Smt. T.V. Neema the learned Senior Public Prosecutor. -:4:-

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

sworn in by the respondent Nos. 3 and 4 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

-:5:- 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. 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 A1 Final Report in Crime No.279/2011 of Kazhakootam Police Station and further proceedings in S.C.No.241/2012 on the files of the Assistant Sessions Court, Attingal stands hereby quashed.

Sd/- DR. KAUSER EDAPPAGATH JUDGE kp True copy P.A. To Judge -:6:-
APPENDIX OF CRL.MC 57/2022 PETITIONER ANNEXURES Annexure A1 TRUE
COPY OF THE FINAL REPORT IN CRIME NO. 279/2011 KAZHAKOOTAM
POLICE STATION, THIRUVANANTHAPURAM. Annexure A2 A NOTARIZED
AFFIDAVIT SWORN BY THE 3RD RESPONDENT. Annexure A3 A NOTARIZED
AFFIDAVIT SWORN BY THE 4TH RESPONDENT.

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