

Muhammed Vasil vs Represented by the Public Prosecutor

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Court : Kerala

Decided On : Feb-07-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/60/2022

Appellant : Muhammed Vasil

Respondent : Represented by the Public Prosecutor

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. 60 OF 2022 CR.NO.613/21 OF MELPARAMBA POLICE
STATION PETITIONER: MUHAMMED VASIL, AGED 27 YEARS S/O.
ABOBACKER SIDDIQUE, RESIDING AT ARAMANGANAM,
KALANAD VILLAGE AND POST, KASARAGOD DISTRICT - 671 541,
KASARGOD, PIN - 671317 BY ADVS. T.MADHU,C.R.SARADAMANI
SHAHID AZEEZ, RENJISH S. MENON RESPONDENT:

1 THE STATE OF KERALA,REPRESENTED BY THE PUBLIC
PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM, PIN - 2 THE

STATION HOUSE OFFICER, MELPARAMBA POLICE STATION,
KASARAGOD DISTRICT- 671 317 3 FATHIMATH JASMINA, AGED 23
YEARS WIFE OF MUHAMMAD VASIL, NAMBIDIPALLAM HOUSE,
KOOLIKUNNU, THEKKIL VILLAGE AND POST, KASARGOD
DISTRICT, NOW RESIDING AT ARAMANGANAM, KALANAD VILLAGE
AND POST, KASARGOD DISTRICT-671317 BY ADV THOMAS JOHN
P. SRI M P PRASANTH-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 1 FIR in Crime No. 613/2021 of Melparamba Police Station on the ground of settlement between the parties.

2. The petitioner is the accused. The 3 rd respondent is the defacto complainant.
3. The offence alleged against the petitioner is under Section 498A of IPC.
4. The respondent No.3 entered appearance through counsel. An affidavit sworn in by her is also produced.
5. I have heard Sri. T. Madhu, the learned counsel for the petitioner, Sri. Thomas John P., the learned counsel for the respondent No.3 and Sri. M.P. Prasanth, the learned Public Prosecutor.
6. The averments in the petition as well as the affidavit sworn in by the respondent No.3 would show that the entire dispute between the parties has been amicably settled and the -:3:-

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 nature. No public interest or harmony will be adversely affected by quashing the proceedings pursuant to Annexure 1. The :-4:-

offence 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 CrI.M.C. is allowed. Annexure 1 FIR in Crime No. Sd/- DR. KAUSER EDAPPAGATH JUDGE kp True copy P.A. To Judge :-5:-
APPENDIX OF CRL.MC 60/2022 PETITIONER ANNEXURES Annexure1 THE CERTIFIED COPY OF THE FIR DATED MELPARAMBA POLICE STATION Annexure2 THE AFFIDAVIT DATED 17/12/2021 SWORN IN BY THE THIRD RESPONDENT.

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