

Bindhu James vs State of Kerala

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Court : Kerala

Decided On : Apr-06-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/219/2022

Appellant : Bindhu James

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
WEDNESDAY, THE 6TH DAY OF APRIL 2022 / 16TH CHAITHRA, 1944
CRIME NO.829/2019 OF PARAVOOR POLICE STATION, KOLLAM
AGAINST THE ORDER/JUDGMENT IN CC 70/2020 OF JUDICIAL
FIRST CLASS MAGISTRATE COURT(TEMPORARY), PARAVUR
NAME AND ADDRESS OF THE PETITIONER: BINDHU JAMES AGED
52 YEARS D/O. SULOCHANA, 'PURURUTTATHI', PUTHENKULAM,
POOTHAKULAM P.O, KOLLAM DISTRICT. BY ADVS. SHAMMI
VIJAYAN NAVEEN RADHAKRISHNAN NAME AND ADDRESS OF THE
RESPONDENTS/STATE OF KERALA & COMPLAINANT: 1 STATE OF
KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH

COURT OF KERALA, - 682031. 2 KEERTHY RAJU AGED 22 YEARS D/O.RAJU, THEERTHAM, VETTIYARA P.O, NAVAYIKULAM VILLAGE, THIRUVANANTHAPURAM - 690107. BY ADV C.M.NATTASHA SMT.T.V.NEEMA, SR.PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 06.04.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

This Crl.M.C. has been preferred to quash Annexure A2 Final Report in Crime No.829/2019 of the Paravoor Police Station on the ground of settlement between the parties.

2. The petitioner is the accused. The 2 nd respondent is the de facto complainant.
3. The offences alleged against the petitioner are under Sections 498(A), 324 r/w Section 34 of the Indian Penal Code.
4. The respondent No.2 entered appearance through counsel. An affidavit sworn in by her is also produced.
5. I have heard Sri.Shammi Vijayan, the learned counsel for the petitioner, Sri.Naveen Radhakrishnan, the learned counsel for the respondent No.2 and Smt. T.V.Neema, the learned Senior Public Prosecutor.
6. The averments in the petition as well as 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 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 A2. 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 A2 Final Report in Crime No.829/2019 of the Paravoor Police Station stands hereby quashed.

Sd/- DR. KAUSER EDAPPAGATH JUDGE bng APPENDIX OF CRL.MC 219/2022
PETITIONER ANNEXURES Annexure A1 CERTIFIED COPY OF FIR
NO.829/2019 OF Annexure A2 CERTIFIED COPY OF THE CHARGE SHEET
AND FINAL REPORT IN CRIME NO. 829/2019 OF Annexure A3 TRUE COPY OF
COMPROMISE IN OP.1098/2019 FILED BEFORE FAMILY COURT ATTINGAL.
Annexure A4 AFFIDAVIT OF THE DEFACTO COMPLAINANT.

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