

Harijith vs State of Kerala

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Court : Kerala

Decided On : May-23-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/143/2022

Appellant : Harijith

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
MONDAY, THE 23RD DAY OF MAY 2022 / 2ND JYAISHTA, 1944 TO
QUASH THE FIR IN CRIME NO.194 OF 2021 OF CHEVAYUR POLICE
STATION, KOZHIKODE DISTRICT REGISTERED FOR THE
OFFENCES PUNISHABLE UNDER SECTION 354, 354C, 354D OF THE
INDIAN PENAL CODE. PETITIONER/ACCUSED: HARIJITH, AGED 29
YEARS, S/O. KRISHNANKUTTY, RESIDING AT MEKUNDATIL
HOUSE, MINI NIVAS, VALILLAPUZHA, KODIYATHUR, KOZHIKODE
DISTRICT, PIN-673 602. BY ADV. J.R. PREM NAVAZ
RESPONDENT/STATE: 1 STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN-682 031. 2

RESHMA, AGED 25 YEARS, D/O. RAVEENDRAN NAIR, RESIDING AT MUTHIYERI HOUSE, PALATH P.O., KAKKODI, KOZHIKODE TALUK, KOZHIKODE DISTRICT, PIN-673 611. R1 SMT. T.V. NEEMA, SENIOR PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 23.05.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -2-

ORDER

This Crl.M.C. has been preferred to quash Annexure 1 FIR in Crime No.194/2021 of Chevayur police station, Kozhikode on the ground of settlement between the parties.

2. Petitioner is the accused. The 2nd respondent is the de facto complainant.
3. The offences alleged against the petitioner are punishable under Sections 354, 354C and 354D of the Indian Penal Code.
4. An affidavit sworn in by the 2nd respondent is also produced.
5. I have heard Sri. J.R. Prem Navaz, the learned counsel for the petitioner and Smt. T.V. Neema, the learned Senior Public Prosecutor for the 1st respondent.
6. The averments in the petition as well as the affidavit

sworn in by 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 criminal proceedings further. The learned Prosecutor, on -3- 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 by 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 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 -4- (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 any further. Accordingly, the CrI.M.C. is allowed. Annexure 1 FIR in Crime No.194/2021 of Chevayur police station, Kozhikode hereby stands quashed. Sd/- DR. KAUSER EDAPPAGATH JUDGE bpr -5- APPENDIX PETITIONER'S ANNEXURES ANNEXURE 1 THE CERTIFIED COPY OF THE FIR IN CRIME NO.194 OF 2021 OF CHEVAYUR POLICE STATION, KOZHIKODE DISTRICT.

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