

Krishna Kumar @ Rajesh vs State of Kerala

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Court : Kerala

Decided On : Mar-03-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/145/2022

Appellant : Krishna Kumar @ Rajesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
THURSDAY, THE 3RD DAY OF MARCH 2022 / 12TH PHALGUNA,
1943 CRL.MC NO. 145 OF 2022 Crime No.1475/2018 of Kanjirappally
Police Station C.C.No.528/2021 on the file of the Judicial First Class
Magistrate Court-I, Kanjirappally PETITIONER: KRISHNA KUMAR @
RAJESH, AGED 50 YEARS, POORNIMA HOUSE, THAMBALAKKADA
P.O., KANJIRAPALLY, KOTTAYAM DISTRICT, KOTTAYAM, PIN -
686506 BY ADVS. K.SHAJ MAJID MUHAMMED K. GAYATHRI
SATHYAN C.IJLAL RESHMA.P. JOSEPH MARY DAS ARUN CHAND
VINAYAK G MENON BHARAT VIJAY P. RESPONDENTS:

1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 2 SUB INSPECTOR OF POLICE KANJIRAPALLY POLICE STATION, KOTTAYAM DISTRICT PIN - 686555 3 SEEJA SHIBU AGED 42 YEARS, NARIYANANICKAL HOUSE, PALLIPADI BHAGOM, THAMBALAKAD P.O., THAMBALAKAD KARA, KANJIRAPALLY VILLAGE, KOTTAYAM DISTRICT PIN - 686506 R3 BY SRI.SAJI JOSEPH R1 & R2 BY SMT T V NEEMA -SR Public Prosecutor THIS CRIMINAL MISC. CASE HAVING COME UP FOR

ADMISSION ON 03.03.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: ..2..

ORDER

This Crl.M.C. has been preferred to quash Annexure A2 Final Report in Crime No.1475/2018 of Kanjirappally Police Station on the ground of settlement between the parties.

2. The petitioner is the accused. The 3 rd respondent is the de facto complainant.
3. The offence alleged against the petitioner is under Section 67 of the IT Act.
4. The respondent No.3 entered appearance through counsel. An affidavit sworn in by her is also produced.
5. I have heard Sri.K.Shaj, the learned counsel for the petitioner, Sri.Saji Joseph, the learned counsel for the respondent No.3 and Smt.T.V.Neema, the learned Senior Public Prosecutor for the respondent Nos.1 and 2.
6. The averments in the petition as well as in the

affidavit sworn in by the respondent No.3 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, ..3.. 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 Final Report in Crime No.1475/2018 of Kanjirappally Police Station. The offence in question does not fall within the ..4.. 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.1475/2018 of Kanjirappally Police Station stands hereby quashed. Sd/- DR.KAUSER EDAPPAGATH, JUDGE skj ..5..
APPENDIX OF CRL.MC 145/2022 PETITIONER'S ANNEXURES Annexure A1
THE CERTIFIED COPY OF THE FIR IN CRIME NO. 1475/2018 OF
KANJIRAPALLY POLICE STATION, KOTTAYAM DISTRICT Annexure A2 THE
CERTIFIED COPY OF FINAL REPORT

DATED 05/05/2021 IN ANNEXURE A1 CRIME FILED BY THE INVESTIGATING OFFICER BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT - I, KANJIRAPALLY, KOTTAYAM DISTRICT. Annexure A3 THE ORIGINAL OF THE AFFIDAVIT SWORN BY THE 3RD RESPONDENT/DE FACTO COMPLAINANT STATING THE SETTLEMENT OF ALL THE DISPUTES WITH THE PETITIONER

HEREIN PERTAINING TO THE REGISTRATION OF ANNEXURE A1 CRIME

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