

Sandeep vs State of Kerala

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Court : Kerala

Decided On : Feb-28-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/234/2022

Appellant : Sandeep

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
MONDAY, THE 28TH DAY OF FEBRUARY 2022/ 9TH PHALGUNA,
1943 CRL.MC NO. 234 OF 2022 CC 595/2019 OF JUDICIAL
MAGISTRATE OF FIRST CLASS -II, PERINTHALMANNA CRIME
No.168/2019 OF MANKADA POLICE STATION
PETITIONER/ACCUSED: SANDEEP, AGED 30 YEARS,
S/O.VASUDEVAN, KANNATH HOUSE, RAMAPURAM P.O.,
MALAPPURAM - 679 321. BY ADV C.M.KAMMAPPU
RESPONDENTS/COMPLAINANT & DEFACTO COMPLAINANT: 1
STATE OF KERALA, REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031. 2

BALAMANI, AGED 23, D/O.PALLATH JAYARAMAN, SAROVARAM HOUSE, ALANALLUR P.O., MANNARKKAD NOW AT MULAVUR HOUSE, KUNNAKKAD, ATASSERY P.O., OTTAPALAM, PALAKKAD - 679 513. R2 BY ADV C.P.ANIL RAJ R1 BY SRI M P PRASANTH- Public Prosecutor THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 28.02.2022, 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 C.C.No.595/2019 on the file of the Judicial First Class Magistrate Court-II, Perinthalmanna on the ground of settlement between the parties.

2. The petitioner is the accused. The 2nd respondent is the de facto complainant.
3. The offences alleged against the petitioner are under Sections 498A and 406 of the IPC.
4. The respondent No.2 entered appearance through counsel. An affidavit sworn in by her is also produced.
5. I have heard Sri.C.M.Kammappu, the learned
counsel for the petitioner, Sri.C.P.Anil Raj, the learned counsel for the respondent No.2 and Sri.M.P.Prasanth, the learned Public Prosecutor for the respondent No.1.
6. The averments in the petition as well as in 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 ..3.. 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 Final Report in C.C.No.595/2019 on the file of the Judicial First ..4.. Class Magistrate Court-II, Perinthalmanna. 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 C.C.No.595/2019 on the file of the Judicial First Class Magistrate Court-II, Perinthalmanna stands hereby quashed.

Sd/- DR.KAUSER EDAPPAGATH, JUDGE skj ..5.. APPENDIX OF CRL.MC 234/2022 PETITIONER'S ANNEXURES Annexure A1 TRUE COPY OF FIR DT. 21/8/2019 IN CC NO.595/2019 OF JUDICIAL FIRST CLASS MAGISTRATE COURT II, PERINTHALMANNA. Annexure A2 TRUE COPY OF FINAL REPORT DT. C.C.NO.595/2019 OF JUDICIAL FIRST CLASS MAGISTRATE COURT II, PERINTHALMANNA. Annexure A3 AFFIDAVIT DATED 05/01/2022 SWORN BY THE 2ND RESPONDENT.

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