

Shamnad K. S. vs State of Kerala

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Court : Kerala

Decided On : Mar-04-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/274/2022

Appellant : Shamnad K. S.

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH FRIDAY,
THE 4TH DAY OF MARCH 2022 / 13TH PHALGUNA, 1943 CRL.MC NO. 274 OF
2022 Crime No.903/2019 of Arthungal Police Station PETITIONERS/ACCUSED:

1 SHAMNAD K. S. AGED 32 YEARS S/O. SHERIF, KUNNEL HOUSE,
THAIKKAL P.O., 2 NASEEMA AGED 54 YEARS D/O. ALI, KUNNEL
HOUSE, THAIKKAL P.O., 3 SHERIF AGED 61 YEARS S/O. HAMEED
KUNJU, KUNNEL HOUSE, THAIKKAL P.O., 4 ABOOBACKER C.K.
AGED 64 YEARS S/O. ALI, PUTHEN VEEDU, CHURUVILAKATHU,
UPPADA, EDAKARA, MALAPPURAM - 679334. 5 RIMSHAD K.S.
AGED 30 YEARS S/O. SHERIEF, KUNNEL HOUSE, THAIKKAL P. O., 6

ANSHAD.K. S. AGED 27 YEARS S/O. SHERIF, KUNNEL HOUSE,
THAIKKAL.P.O., 7 SHAFEEK M. AGED 36 YEARS S/O. MUSTHAFA,
KUNDAMPOZHI LAKSHAM VEEDU, THURAVOOR P. O., CHERTHALA
- 688 532.

..2.. 8 JALEEL AGED 38 YEARS S/O. ISMAIL, THACHAM VEEDU,
THRICHATTUKULAM P.O., PANAVALLY - 688526. BY ADVS. JOSE ANTONY
S.SHIV SHANKAR RESPONDENTS/STATE & DE FACTO COMPLAINANT: 1
STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH
COURT OF KERALA, ERNAKULAM - 682 031. 2 MAJANA PARWIN AGED 21
YEARS D/O. NOUSHAD, KANNAMTHIRA, NIKARTHIL VEEDU, AROOKUTTY
PANCHAYATH, WARD - 13, AROOKUTTY VILLAGE, CHERTHALA,
ALAPPUZHA - 688535. R2 BY ADV C.P.ANIL RAJ R1 SRI M P PRASANTH-
Public Prosecutor THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 04.03.2022, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING: ..3..

ORDER

This Crl.M.C. has been preferred to quash Annexure A1 FIR in Crime
No.903/2019 of Arthungal Police Station on the ground of settlement between the
parties.

2. The petitioners are the accused Nos.1 to 8. The 2nd respondent is the de facto
complainant.

3. The offences alleged against the petitioners are under Sections 498A, 324,
294(b) and 506 read with Section 34 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.Jose Antony, the learned counsel for the petitioners,
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 ..4.. 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 A1 FIR in Crime No.903/2019 of Arthungal Police Station. The ..5.. 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 A1 FIR in Crime No.903/2019 of Arthungal Police Station stands hereby quashed. Sd/- DR.KAUSER EDAPPAGATH, JUDGE skj ..6.. APPENDIX OF CRL.MC 274/2022 PETITIONERS' ANNEXURES Annexure A1 PHOTO COPY OF THE FIR IN CRIME NO.903/2019 OF ARTHUNKAL POLICE STATION. Annexure A2 THE AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT DATED 21.12.2021.