

Sujith, vs State of Kerala,

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Court : Kerala

Decided On : Feb-08-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/278/2022

Appellant : Sujith,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
TUESDAY, THE 8TH DAY OF FEBRUARY 2022 / 19TH MAGHA, 1943 CRL.MC
NO. 278 OF 2022 CRIME NO.1232/2021 OF CHADAYAMANGALAM POLICE
STATION PETITIONERS/ACCUSED 1 TO 3:

1 SUJITH,AGED 31 YEARS S/O. SOMAN, 'KRISHNALAYM',
IRINGAYIL, VEMBAYAM, MANIKKAL VILLAGE, NEDUMANGADU
TALUK, THIRUVANANTHAPURAM-695 615 2 JAYA, AGED 53 YEARS,
W/O. SOMAN, 'KRISHNALAYAM', IRINGAYIL, VEMBAYAM, MANIKKAL
VILLAGE, NEDUMANGADU TALUK, THIRUVANANTHAPURAM- 3 K.
SOMAN,AGED 64 YEARS S/O.KRISHNAN, 'KRISHNALAYM',

IRINGAYIL, VEMBAYAM, MANIKKAL VILLAGE, NEDUMANGADU
TALUK, THIRUVANANTHAPURAM-695 615 BY ADVS.D.KISHORE,
R.MURALEEKRISHNAN (MALAKKARA) ARYA JOSEPH, MEERA
GOPINATH

RESPONDENTS/STATE COMPLAINANT & DEFACTO COMPLAINANT:

1 STATE OF KERALA, REPRESENTED BY ITS PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 2 THE
STATION HOUSE OFFICER, CHADAYAMANGALAM POLICE
STATION, KOLLAM DISTRICT, PIN 691 534. 3 ANAGHA
RAJENDRAN, AGED 23 YEARS D/O. RAJENDRAN,
VADAKKEMANGALATHU VEEDU, KURIYODE,
CHADAYAMANGALAM, KOLLAM RURAL, KOLLAM DISTRICT, PIN
691 534.

R3 BY ADVS.R.B.RAJESH G.BIJU R1 & R2 BY SRI M P PRASANTH-PUBLIC
PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 08.02.2022, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING: ..2..

ORDER

This Crl.M.C. has been preferred to quash Annexure-I FIR in Crime No.1232 of 2021 of Chadayamangalam Police Station on the ground of settlement between the parties.

2. The petitioners are the accused Nos.1 to 3. The 3rd respondent is the de facto complainant.

3. The offence alleged against the petitioners is Section 498A read with Section 34 of the IPC.

4. The respondent No.3 entered appearance through counsel. An affidavit sworn in by her is also produced.

5. I have heard Sri.D.Kishore, the learned counsel for

the petitioners, Sri.R.B.Rajesh and Sri.G.Biju, the learned counsel for the respondent No.3 and Sri.M.P.Prasanth, the learned 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-I FIR in Crime No.1232 of 2021 of Chadayamangalam 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-I FIR in Crime No.1232 of 2021 of Chadayamangalam Police Station stands hereby quashed. Sd/- DR.KAUSER

EDAPPAGATH, JUDGE skj ..5.. APPENDIX OF CRL.MC 278/2022
PETITIONERS' ANNEXURES Annexure I CERTIFIED COPY OF THE FIR IN
CRIME STATION. Annexure II TRUE COPY OF THE MEMORANDUM OF

AGREEMENT DATED 16.12.2021 ENTERED IN TO BETWEEN THE
PETITIONERS AND THE 3RD RESPONDENT IN CRL.M.C. 2071/2021.
Annexure III TRUE COPY OF THE ORDER DATED 20.12.2021 IN CRL.M.C.
2071/2021 ON THE FILE OF ADDITIONAL SESSIONS COURT, IV ,KOLLAM.
Annexure IV TRUE COPY OF THE AFFIDAVIT DATED 9.1.2022 EXECUTED BY
THE 3RD RESPONDENT BEFORE NOTARY PUBLIC.

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