

Sreelesh vs Navaneetha

Sreelesh vs Navaneetha

SooperKanoon Citation : sooperkanoon.com/1442481

Court : Kerala

Decided On : Mar-14-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/283/2022

Appellant : Sreelesh

Respondent : Navaneetha

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
MONDAY, THE 14TH DAY OF MARCH 2022 / 23RD PHALGUNA, 1943 CRL.MC
NO. 283 OF 2022 CRIME NO.991/2017 OF Vadakara Police Station, Kozhikode
CC 1383/2017 OF JUDICIAL MAGISTRATE OF FIRST CLASS ,VATAKARA
PETITIONERS/ACCUSED 1 & 2: 1 SREELESH, AGED 41 YEARS
S/O.SREEDHARAN, KUTTIKKATTIL HOUSE, PATHIYAKKARA P.O, VATAKARA
TALUK, KOZHIKODE DISTRICT, PIN - 673105. 2 SHYAMALA,
W/O.SREEDHARAN, KUTTIKKATTIL HOUSE, PATHIYAKKARA P.O,
VATAKARA TALUK, KOZHIKODE DISTRICT, PIN - 673105. BY ADV ZUBAIR
PULIKKOOL RESPONDENTS/DEFACTO COMPLAINANT & STATE: 1
NAVANEETHA, D/O.BABURAJ, RESIDING AT KARNIKARAM, AGED 28,

KINARULLA KANDI HOUSE, PATHIYAKKARA P.O, VATAKARA TALUK, KOZHIKODE DISTRICT, PIN - 673105. 2 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682031. BY ADV SALMANUL FASIL O.P. SMT. T.V. NEEMA, SR. PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 14.03.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -:2:-

ORDER

Dated this the 14th day of March, 2022 This Crl.M.C. has been preferred to quash Annexure I Final Report in Crime No.991/2017 of Vatakara Police Station on the ground of settlement between the parties.

2. The petitioners are the accused Nos. 1 and 2. The 1 st respondent is the defacto complainant.

3. The offences alleged against the petitioners are under Sections 498A, 406 read with Section 34 of IPC.

4. The respondent No.1 entered appearance through counsel. An affidavit sworn in by her is also produced.

5. I have heard Sri. Zubair Pulikool, the learned counsel for the petitioners, Sri. Salmanul Fasil, the learned counsel for the respondent No.1 and Smt. T.V. Neema, the learned Senior Public Prosecutor.

6. The averments in the petition as well as the affidavit sworn in by the respondent No.1 would show that the entire dispute between the parties has been amicably settled and the -:3:-

de facto complainant has decided not to proceed with 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 I. The :-4:-

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 I Final Report in Crime No.991/2017 of Vatakara Police Station stands hereby quashed. Sd/- DR. KAUSER EDAPPAGATH JUDGE kp True copy P.A. To Judge :-5:- APPENDIX OF CRL.MC 283/2022 PETITIONER ANNEXURES Annexure 1 CERTIFIED COPY OF THE FINAL REPORT OF IN CRIME NO. 991/2017 OF VADAKARA POLICE STATION. Annexure 2 SWORN AFFIDAVIT OF 1ST RESPONDENT.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com