

Biju vs State of Kerala

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Court : Kerala

Decided On : Sep-19-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/336/2020

Appellant : BIJU

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
MONDAY, THE 19TH DAY OF SEPTEMBER 2022 / 28TH BHADRA, 1944
CRL.MC NO. 336 OF 2020 CRIME NO.734/2014 OF Anchalumoodu Police
Station, Kollam CC 1945/2014 OF JUDICIAL MAGISTRATE OF FIRST CLASS -I,
KOLLAM PETITIONERS/ACCUSED 1 TO 7:

1 BIJU, AGED 41 YEARS, S/O. NATARAJAN, PLAMOOTTIL 2
SARASWATHI, AGED 69 YEARS, W/O. NATARAJAN, PLAMOOTTIL
KIZHAKKATHIL, PRAKULAM CHERI, THRIKKARUVA VILLAGE,
KOLLAM DISTRICT - 691 602. 3 NATARAJAN, AGED 75 YEARS, S/O.
NANU, PLAMOOTTIL 4 VIJI, AGED 39 YEARS, W/O. SANTHOSH

KUMAR, PLAMOOTTIL KIZHAKKATHIL, PRAKULAM CHERI, THRIKKARUVA VILLAGE, KOLLAM DISTRICT - 691 602. 5 BINU, AGED 45 YEARS, S/O. NATARAJAN, PLAMOOTTIL 6 SREEJA, AGED 39 YEARS, W/O. BINU, PLAMOOTTIL -:2:- 7 SANTHOSH KUMAR, AGED 39 YEARS S/O. REMANAN, PANCHAMI VEEDU, MEENATHU CHERI, SAKTHIKULANGARA VILLAGE, KOLLAM DISTRICT - 691 581. BY ADVS.M.KIRANLAL SRI.MANU RAMACHANDRAN SRI.T.S.SARATH SRI.R.RAJESH (VARKALA)

RESPONDENTS/COMPLAINANT-STATE:

1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, COCHIN - 682 031. 2 STATION HOUSE OFFICER ANCHALUMMOODU POLICE STATION, KOLLAM DISTRICT - 691 590. 3 ASWATHY AGED 25 YEARS D/O. VASANTHAKUMARI, PARVATHI MANDIRAM, MURUNTHAL CHERI, THRIKKADAVUR, KOLLAM DISTRICT - 691 601. SRI. P.G. MANU, SR.PP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 19.09.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -:3:-

ORDER

Dated this the 19th day of September, 2022 This CrI.M.C. has been preferred to quash Annexure A1 Final Report in Crime No. 734/2014 of Anchalummoodu Police Station now pending as C.C.No.1945/2014 on the file of the Judicial First Class Magistrate Court-I, Kollam on the ground of settlement between the parties.

2. The petitioners are the accused Nos. 1 to 7. The 3 rd respondent is the defacto complainant.

3. The offence alleged against the petitioners is punishable under Section 498 A of IPC.

4. An affidavit sworn in by the respondent No.3 is produced.

5. I have heard Sri. M. Kiranlal, the learned counsel for the petitioners and Sri. P.G. Manu, the learned Senior Public Prosecutor.

6. The averments in the petition as well as the affidavit sworn in by the respondent No.3 would show that the entire dispute between the parties has been amicably settled and the :-4:- de facto complainant has decided not to proceed with the

criminal proceedings 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 by 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 the 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. The :-5:-

offence in question does 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 any further. Accordingly, the CrI.M.C. is allowed. Annexure A1 Final Report in Crime No. 734/2014 of Anchalummodu Police Station now pending as C.C.No.1945/2014 on the file of the Judicial First Class Magistrate Court-I, Kollam hereby stands quashed.

SD/- DR. KAUSER EDAPPAGATH JUDGE kp -:6:- APPENDIX OF CRL.MC 336/2020 PETITIONER ANNEXURES ANNEXURE A1 THE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.734/2014 OF THE ANCHALUMMOODU POLICE STATION. ANNEXURE A2 THE TRUE COPY OF THE AGREEMENT MADE BETWEEN THE DE-FACTO COMPLAINANT AND THE 1ST PETITIONER. Annexure A3 THE ORIGINAL AFFIDAVIT DATED 30.08.2022 SWORN BY THE 3RD RESPONDENT/DE-FACTO COMPLAINANT

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