

Suhiyan vs State of Kerala

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Court : Kerala

Decided On : Mar-14-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/337/2022

Appellant : Suhiyan

Respondent : State of Kerala

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. 337 OF 2022 CRIME NO.231/2021 OF Cantonment Police Station,
Thiruvananthapuram, CC 973/2021 OF JUDICIAL MAGISTRATE OF FIRST
CLASS -III, Thiruvananthapuram PETITIONERS/ACCUSED: 1 SUHIYAN
S/O.SHAHUL HAMEED, THAVALAM MANZIL, VELLAMKETTUVILA, PALLICHAL
P.O., THIRUVANANTHAPURAM DISTRICT, PIN - 695 020. 2 DIPIN BENJAMIN
AGED 19 YEARS S/O.BENJAMIN DANIEL, DIPIN HOUSE, KOCHUTHOPP,
VALIYATHURA P.O., PETTA VILLAGE, THIRUVANANTHAPURAM DISTRICT,
PIN - 695 008. 3 SAROOP G.SAJI AGED 20 YEARS S/O.SAJI,
KAZHAKOTTIKONAM ERATH VETTEL NEAR MOUNT SINOY BFM SCHOOL,
PARSUVAIKAL P.O., THIRUVANANTHAPURAM DISTRICT, PIN - 695 508.

4 AKHIL B.S. AGED 22 YEARS S/O.BIJU, PANATHAILAKAL VEETIL, MOOVERIKARA P.O., KUNNATHUKAL, THIRUVANANTHAPURAM DISTRICT, PIN - 695 124. -:2:- 5 ANANTHU AGED 20 YEARS S/O.SIVANKUTTY, TC 36/1427, VINAYAKAM PERUTHANNI, MUTTATHARA P.O., THIRUVANANTHAPURAM DISTRICT, PIN - 695 008. 6 ABHIDEEP AGED 23 YEARS S/O.PRADEEPAKUMAR, AVITTOM, CHENIVILA, MARANALLOOR P.O., MARANALLOR, THIRUVANANTHAPURAM DISTRICT, PIN - 695 512.

BY ADVS. ARUN T. AKHIL RAJ B. SRAVAN M.S. RESPONDENTS/STATE & DEFACTO COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031. 2 SUDHIN SURESH S/O.SURESHKUMAR, DEVIPRASADAM, VEMBANAR, KADAMBANADU MURI, ARUVIKKARA P.O., THIRUVANANTHAPURAM DISTRICT, PIN - 695 564. 3 ABHIJITH S. J. AGED 22 YEARS S/O.SURESHKUMAR E.G.RESHMA BHAVAN, XX 11 22-95, MARUTHATHOOR, CHAIKOTTUKONAM, NEYYATINKARA, THIRUVANANTHAPURAM DISTRICT, PIN - 695 121. 4 PRANAV U. S/O.UDAYAKUMAR, ULLAS BHAVANAM, PALIYODE, KOTTAKKAL P.O., ANAVOOR, PERUMKADAVILA, THIRUVANANTHAPURAM DISTRICT, PIN - 695 121. -:3:- 5 SRUTHI S. D/O.SUDHAKARAN C., CHARUVILA PUTHENVEEDU, POOPPURAM, ANAKUDI P.O., VAMANAPURAM, NEDUMANGADU, THIRUVANANTHAPURAM DISTRICT, PIN - 695 606. 6 RESHMA A. AGED 22 YEARS D/O.SREEKUMAR, PANAYIL VEEDU, MANAMBOOR P.O., MANAMBOOR, THIRUVANANTHAPURAM DISTRICT, PIN - 695 611. 7 AKHIL J.R. AGED 24 YEARS S/O.JAYAKUMARAN, JAYA BHAVAN, OONANPARA, ARUVIKKARA P.O., THIRUVANANTHAPURAM DISTRICT, PIN - 695 564. BY ADV AMITHA MOHAN R2 TO 7 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: -:4:-

ORDER

Dated this the 14th day of March, 2022 This Crl.M.C. has been preferred to quash Annexure A1 Final Report in Crime No.231/2021 of Cantonment Police Station,

Thiruvananthapuram now pending as C.C.No.973/2021 on the files of the Judicial First Class Magistrate Court-III, Thiruvananthapuram on the ground of settlement between the parties.

2. The petitioners are the accused Nos. 1 to 5 and 7. The 2nd respondent is the defacto complainant. The respondent Nos. 3 to 7 are the injured.

3. The offences alleged against the petitioners are under Sections 294(b), 506, 323, 324 and 341 read with Section 34 of IPC.

4. The respondent Nos 2 to 7 entered appearance through counsel. Affidavits sworn in by them are also produced.

5. I have heard Sri. Arun T., the learned counsel for the petitioners, Smt. Amitha Mohan, the learned counsel for the -:5:- respondent Nos. 2 to 7 and Smt.T.V. Neema, the learned Senior Public Prosecutor.

6. The averments in the petition as well as the affidavits

sworn in by the respondent Nos. 2 to 7 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, submits that the matter was enquired into through the investigating officer and a statement of the de facto complainant was also recorded wherein he 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 -:6:- 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. 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 A1 Final Report in Crime No.231/2021 of Cantonment Police Station, Thiruvananthapuram now pending as C.C.No.973/2021 on the files of the Judicial First Class Magistrate Court-III, Thiruvananthapuram stands hereby quashed. Sd/- DR. KAUSER EDAPPAGATH JUDGE kp True copy P.A. To Judge -:7:- APPENDIX OF CRL.MC 337/2022 PETITIONER ANNEXURES Annexure A1 THE CERTIFIED COPY OF THE FINAL REPORT IN

CC NO.973/2021 ON THE FILES OF THE HON'BLE JUDICIAL FIRST CLASS MAGISTRATE COURT-III, THIRUVANANTHAPURAM ARISING OUT OF CRIME NO.231/2021 OF CANTONMENT POLICE STATION, THIRUVANANTHAPURAM DISTRICT.

Annexure A2 THE CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.231/2021 OF CANTONMENT POLICE STATION, THIRUVANANTHAPURAM DISTRICT. Annexure A3 THE AFFIDAVIT SWORN BY THE DEFACTO COMPLAINANT STATING SETTLEMENT OF ALL THE DISPUTES WITH THE PETITIONERS HEREIN. Annexure A4 THE AFFIDAVIT SWORN BY THE THIRD RESPONDENT STATING SETTLEMENT OF ALL THE DISPUTE WITH THE PETITIONERS HEREIN. Annexure A5 THE AFFIDAVIT SWORN BY THE FOURTH RESPONDENT STATING SETTLEMENT OF ALL THE DISPUTES WITH THE PETITIONERS HEREIN. Annexure A6 THE AFFIDAVIT SWORN BY THE FIFTH RESPONDENT STATING SETTLEMENT OF ALL THE DISPUTES WITH THE PETITIONERS HEREIN. Annexure A7 THE AFFIDAVIT SWORN BY THE SIXTH RESPONDENT STATING SETTLEMENT OF ALL THE DISPUTES WITH THE PETITIONERS HEREIN. Annexure A8 THE AFFIDAVIT SWORN BY THE SEVENTH RESPONDENT STATING SETTLEMENT OF ALL THE DISPUTES WITH THE PETITIONERS HEREIN.

