

Adarsh vs State of Kerala

Adarsh vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1443720

Court : Kerala

Decided On : Mar-29-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/390/2022

Appellant : Adarsh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
TUESDAY, THE 29TH DAY OF MARCH 2022 / 8TH CHAITHRA, 1944
CRL.MC NO. 390 OF 2022 CRIME No.1008/2021 OF BALUSSERY
POLICE STATION PETITIONERS/ACCUSED Nos.1 and 2: 1 ADARSH
AGED 23 YEARS S/O. HARIDASAN, RESIDING AT POOZHICANDIYIL
HOUSE, WAYALADA P. O., UNNIKULAM, KOYILANDY TALUK,
KOZHIKODE DISTRICT, PIN - 673574. 2 JUSTINE AGED 23 YEARS
S/O. JAMES, RESIDING AT KOLAMANKUZHI, WAYALADA P. O.,
UNNIKULAM, KOYILANDY TALUK, KOZHIKODE DISTRICT, PIN -
673574. BY ADVS. J.R.PREM NAVAZ SUMEEN S.
RESPONDENTS/STATE & DE FACTO COMPLAINANT:

1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031. 2 ARJUN @ APPANI (INSANE) AGED 25 YEARS S/O. PURUSHU, RESIDING AT THOONAMKANDIYIL HOUSE, P. O. THURUTHIAD, BALUSSERY, KOYILANDY TALUK, KOZHIKODE DISTRICT, PIN - 676552, REPRESENTED BY HIS WIFE HEREIN-3RD RESPONDENT. 3 SIVAPRIYA AGED 20 YEARS W/O. ARJUN @ APPANI, RESIDING AT THOONAMKANDIYIL HOUSE, P. O. THURUTHIAD, BALUSSERY, KOYILANDY TALUK, KOZHIKODE DISTRICT, PIN - 676552. R2 & R3 BY ADV AJOY VENU

OTHER PRESENT: R1 BY SRI M P PRASANTH- PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29.03.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: ..2..

ORDER

This CrI.M.C. has been preferred to quash Annexure A1 Final Report in Crime No.1008/2021 of Balussery Police Station on the ground of settlement between the parties.

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

3. The offences alleged against the petitioners are under Sections 143, 147, 148, 341, 324, 294(b), 354 and 427 read with Section 149 of the IPC.

4. The respondent Nos.2 and 3 entered appearance through counsel. Affidavits sworn in by them are also produced.

5. I have heard Sri.Prem Navas, the learned counsel for the petitioners, Sri.Ajoy Venu, the learned counsel for the respondent Nos.2 and 3 and Sri.M.P.Prasanth, the learned Public Prosecutor for the respondent No.1.

6. The averments in the petition as well as the

affidavits sworn in by the respondent Nos.2 and 3 would show that the entire dispute between the parties has been amicably settled and the de facto complainant has decided not to ..3.. 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 A1 Final Report in Crime No.1008/2021 of Balussery Police Station. ..4.. 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.1008/2021 of Balussery Police Station stands hereby quashed.

Sd/- DR.KAUSER EDAPPAGATH, JUDGE skj ..5.. APPENDIX OF CRL.MC 390/2022 PETITIONERS' ANNEXURES Annexure A1 THE CERTIFIED COPY OF THE CHARGE SHEET IN CRIME NO.1008 OF 2021 OF BALUSSERY POLICE STATION, KOZHIKODE DISTRICT. Annexure A2 THE AFFIDAVIT, SOLEMNLY AFFIRMED FOR AND ON BEHALF OF THE 2ND RESPONDENT / DEFACTO COMPLAINANT. Annexure A3 THE AFFIDAVIT, SOLEMNLY AFFIRMED BY THE

3RD RESPONDENT / INJURED.

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