

Muneeb vs State of Kerala

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Court : Kerala

Decided On : Mar-08-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/479/2022

Appellant : Muneeb

Respondent : State of Kerala

Judgement :

CRL.MC NO. 479 OF 2022 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
TUESDAY, THE 8TH DAY OF MARCH 2022 / 17TH PHALGUNA, 1943
CRL.MC NO. 479 OF 2022 CRIME NO.635/2015 OF MEDICAL
COLLEGE POLICE STATION, THIRUVANANTHAPURAM
PETITIONER/ACCUSED: MUNEEB, AGED 26 YEARS BITHULNOOR
HOUSE, VEMBAYAM, MANNAVILA DESOM, KATTAYKKAL WARD,
VENJARAMOODU MANICKAL VILLAGE, THIRUVANANTHAPURAM
DISTRICT, PIN - 695615 BY ADVS. VISHNU BHUVANENDRAN
B.ANUSREE RESHMA UNNIKRISHNAN SREELAKSHMI B.
RESPONDENTS: 1 STATE OF KERALA HIGH COURT OF KERALA

ERNAKULAM, PIN - 682031 2 GAYATHRI .S, AGED 35 YEARS HOUSE NO.4, NAVODAYA GARDENS, PARUTHIPPARA, THIRUVANATHAPURAM-695 011. PRESENTLY RESIDING AT VATTATHARA MADATHIL VEEDU, NEAR ALINGAL JN., KURUPPANKULANGARA POST, CHERTHALA, ALAPPUZHA- 688539, PIN - 688539 BY ADVS. SAJI SANKARAN NAIR SMT T V NEEMA -SR PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 08.03.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CRL.MC NO. 479 OF 2022 2

ORDER

This Crl.M.C. has been preferred to quash Annexure 2 Final Report in Crime No.635/2015 of Medical College Police Station, Thiruvananthapuram on the ground of settlement between the parties.

2. The petitioner is the accused. The 2nd respondent is the de facto complainant.
3. The offences alleged against the petitioner are under Sections 469 of IPC and Section 67 of the Information Technology Act, 2000.
4. The 2nd respondent entered appearance through counsel. An affidavit sworn in by her is also produced.
5. I have heard Sri.Vishnu Bhuvanendran, the learned counsel for the petitioner, Sri.Saji Sankaran Nair, the learned counsel for the respondent No.2 and Smt.T.V.Neema, the learned Senior Public Prosecutor.
6. The averments in the petition as well as the affidavit

CRL.MC NO. 479 OF 2022 3 sworn in by the respondent Nos.2 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 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. CRL.MC NO. 479 OF 2022 4

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 II Final Report. 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 2 Final Report in Crime No.635/2015 of Medical College Police Station, Thiruvananthapuram stands hereby quashed. Sd/- DR. KAUSER EDAPPAGATH JUDGE ab CRL.MC NO. 479 OF 2022 5 APPENDIX OF CRL.MC 479/2022 PETITIONER ANNEXURES Annexure1 CERTIFIED COPY OF THE FIR DATED 23.05.2021 IN CRIME NO. 635/2015 OF MEDICAL COLLEGE POLICE STATION, THIRUVANATHAPURAM Annexure2 CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 635/2015 OF MEDICAL COLLEGE POLICE STATION, THIRUVANATHAPURAM Annexure3 TRUE COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT DATED 26.03.2021 RESPONDENTS ANNEXURES : NIL