

**Ajith vs State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1444708](https://sooperkanoon.com/1444708)

**Court :** Kerala

**Decided On :** Mar-30-2022

**Judge :** Honourable Dr. Justice Kauser Edappagath

**Appeal No. :** Crl.MC/486/2022

**Appellant :** AJITH

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH  
WEDNESDAY, THE 30TH DAY OF MARCH 2022/ 9TH CHAITHRA, 1944  
CRL.MC NO. 486 OF 2022 Crime No.711/2021 of Chengamanad Police Station,  
ERNAKULAM PETITIONERS/ACCUSED 1 TO 4: 1 AJITH AGED 32 YEARS  
S/O.INDRANUJAN NAIR, PARAYATH HOUSE, NORTH 2 INDRANUJAN NAIR  
AGED 68 YEARS S/O.NARAYANAN NAIR, PARAYATH HOUSE, NORTH 3  
OMANA AGED 64 YEARS W/O.INDRANUJAN NAIR, PARAYATH HOUSE,  
NORTH 4 DHANYA AGED 38 YEARS D/O.INDRANUJAN NAIR, PARAYATH  
HOUSE, NORTH BY ADV DENU JOSEPH ..2.. RESPONDENTS/STATE & DE  
FACTO COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY THE  
PUBLIC PROSECUTOR, HIGH COURT OF KERALA AT ERNAKULAM - 682 031.

2 REVATHY AGED 28 YEARS D/O.RADHAKRISHNAN NAIR, VISHNU BHAVAN, CUSAT P.O., THRIKKAKARA, ERNAKULAM - 682 021. R2 BY ADV LITTO VARGHESE PALATHINKAL OTHER PRESENT: R1 BY SRI M P PRASANTH- Public Prosecutor THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30.03.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: ..3..

## **ORDER**

This CrI.M.C. has been preferred to quash Annexure A FIR in Crime No.711/2021 of Chengamanad Police Station on the ground of settlement between the parties.

2. The petitioners are the accused Nos.1 to 4. The 2nd respondent is the de facto complainant.

3. The offence alleged against the petitioners is under Section 498A read with Section 34 of the IPC.

4. The respondent No.2 entered appearance through counsel. An affidavit sworn in by her is also produced.

5. I have heard Sri.Denu Joseph, the learned counsel

for the petitioners, Smt.Litto Varghese, the learned counsel for the respondent No.2 and Sri.M.P.Prasanth, the learned Public Prosecutor for the respondent No.1.

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

sworn in by the respondent No.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 ..4.. 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 A FIR in Crime No.711/2021 of Chengamanad Police Station. The offence in question does not fall within the category of ..5.. 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 A FIR in Crime No.711/2021 of Chengamanad Police Station stands hereby quashed.

Sd/- DR.KAUSER EDAPPAGATH, JUDGE skj ..6.. APPENDIX OF CRL.MC 486/2022 PETITIONERS' ANNEXURES Annexure A TRUE COPY OF THE FIR IN CRIME NO.711/2021 OF CHENGAMANAD POLICE STATION. Annexure B TRUE COPY OF THE TERMS AND CONDITIONS OF SETTLEMENT DATED 20/12/2021. Annexure C TRUE COPY OF THE ORDER IN B.A.NO.7220/2021 DATED 22/12/2021. Annexure D A TRUE COPY OF THE LETTER OF ACKNOWLEDGMENT DATED 03/01/2022. Annexure E A TRUE COPY OF THE ORIGINAL AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT.

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