

Sunil vs Najila

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Court : Kerala

Decided On : Jan-31-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/488/2022

Appellant : SUNIL

Respondent : Najila

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
MONDAY, THE 31ST DAY OF JANUARY 2022 / 11TH MAGHA, 1943
CRL.MC NO. 488 OF 2022 CR.NO.469/2018 OF THOTTILPALAM
POLICE STATION IN CC 550/2019 OF JUDICIAL MAGISTRATE OF
FIRST CLASS ,NADAPURAM PETITIONER/ACCUSED: SUNIL, AGED
37 YEARS, S/O.NANU, MAYANGIYIL HOUSE, KUNDUTHOD P.O.,
KAVILUMPARA, THOTTIPALAM, KOZHIKODE - 673 513. BY ADV
ZUBAIR PULIKKOOL RESPONDENTS/DEFACTO COMPLAINANT &
STATE:

1 NAJILA, AGED 31 YEARS,W/O.NAUSHAD, KUNDUTHOD P.O.,
KAVILUMPARA, THOTTILPALAM, KOZHIKODE DT., PIN - 673 513. 2

STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 695 001. BY ADV
SALMANUL FASIL O.P.R1 SRI M P PRASANTH-PP THIS CRIMINAL
MISC. CASE HAVING COME UP FOR ADMISSION ON 31.01.2022,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -:2:-

ORDER

Dated this the 31st day of January, 2022 This Crl.M.C. has been preferred to quash Annexure 1 Final Report in Crime No.469/2018 of Thottilpalam Police Station and further proceedings in C.C.No. 550/2019 on the files of Judicial First Class Magistrate Court, Nadauram on the ground of settlement between the parties.

2. The petitioner is the accused. The 1st respondent is the defacto complainant.
3. The offences alleged against the petitioner are under Sections 448, 354, 354(D), 436, 427 and 294(b) of IPC.
4. The respondent No.1 entered appearance through counsel. An affidavit sworn in by her is also produced.
5. I have heard Sri. Zubair Pulikook, the learned counsel for the petitioner, Sri. Salmanul Fasil O.P, the learned counsel for the respondent No.1 and Sri. M.P. Prasanth, the learned Public Prosecutor.
6. The averments in the petition as well as the affidavit -:3:-

sworn in by the respondent No.1 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.

8. The dispute in the above case is purely personal in -:4:- nature. No public interest or harmony will be adversely affected

by quashing the proceedings pursuant to Annexure 1. 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 1 Final Report in Crime No.469/2018 of Thottilpalam Police Station and further proceedings in C.C.No. 550/2019 on the files of Judicial First Class Magistrate Court, Nadauram stands hereby quashed. Sd/- DR. KAUSER EDAPPAGATH JUDGE kp True copy P.A. To Judge -:5:- APPENDIX OF CRL.MC 488/2022 PETITIONER ANNEXURES Annexure 1 THE CERTIFIED COPY OF THE FINAL REPORT IN C.C.NO.550/19 ON THE FILE OF JFCM COURT, NADAPURAM IN CRIME NO.469/18 OF THOTTILPALAM POLICE STATION. Annexure 2 SWORN AFFIDAVIT OF 2ND RESPONDENT DT.

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