

**Riljo, vs State of Kerala,**

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**SooperKanoon Citation :** [sooperkanoon.com/1444749](http://sooperkanoon.com/1444749)

**Court :** Kerala

**Decided On :** Feb-16-2022

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

**Appeal No. :** Crl.MC/496/2022

**Appellant :** RILJO,

**Respondent :** State of Kerala,

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH  
WEDNESDAY, THE 16TH DAY OF FEBRUARY 2022/27TH MAGHA,  
1943 CRL.MC NO.496 OF 2022 CC 378/2021 OF JUDICIAL  
MAGISTRATE OF FIRST CLASS -II, ALUVA CRIME No.665/2021 of  
Elamakkara Police Station PETITIONER/ACCUSED: RILJO, AGED 21  
YEARS S/O.BABU, ALOOR HOUSE, ERINGAPPURA, CHAVAKKAD,  
THRISSUR, PIN-680 506. BY ADVS. G.SANTHOSH KUMAR VINEETH  
V. RESPONDENTS/STATE & DE FACTO COMPLAINANT:

1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM, PIN-682 031. 2 SINDHU

JOSEPH, AGED 48 YEARS W/O.JOSEPH THOMAS, ARAYASSERY, EDAPPALLY SOUTH, ERNAKULAM, PIN-682 026. 3 ANNA JOSEPH (MINOR), AGED 14 YEARS D/O.JOSEPH THOMAS, ARAYASSERY, EDAPPALLY SOUTH, ERNAKULAM, PIN-682 026, REPRESENTED BY HER MOTHER, SINDHU JOSEPH, AGED 48 YEARS, W/O.JOSEPH THOMAS, ARAYASSERY, EDAPPALLY SOUTH, ERNAKULAM, PIN-682 026. R2 & R3 BY ADV TOMY AUGUSTINE R1 BY SRI M P PRASANTH - Public Prosecutor THIS CRIMINAL MISC. CASE HAVING COME UP FOR

ADMISSION ON 16.02.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: ..2..

## **ORDER**

This Crl.M.C. has been preferred to quash Annexure-A2 Final Report in C.C.No.378/2021 on the file of the Judicial First Class Magistrate Court-II, Aluva on the ground of settlement between the parties.

2. The petitioner is the accused. The 2nd respondent is the de facto complainant.
3. The offence alleged against the petitioner is under Section 363 of the IPC.
4. The respondent Nos.2 and 3 entered appearance through counsel. An affidavit sworn in by the 2 nd respondent is also produced.
5. I have heard Sri.G.Santhosh Kumar, the learned counsel for the petitioner, Sri.Tomy Augustine, 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 in the

affidavit sworn in by the respondent No.2 would show that the entire dispute between the parties has been amicably settled ..3.. 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

nature. No public interest or harmony will be adversely affected by quashing the proceedings pursuant to Annexure-A2 ..4.. Final Report in C.C.No.378/2021 on the file of the Judicial First Class Magistrate Court-II, Aluva. The offence in question does 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 CrI.M.C. is allowed. Annexure-A2 Final Report in C.C.No.378/2021 on the file of the Judicial First Class Magistrate Court-II, Aluva stands hereby quashed. Sd/- DR.KAUSER EDAPPAGATH, JUDGE skj ..5.. APPENDIX OF CRL.MC 496/2022 PETITIONER'S ANNEXURES Annexure A1 CERTIFIED COPY OF THE FIR IN CRIME NO.665/2021 OF ELAMAKKARA POLICE STATION. Annexure A2 CERTIFIED COPY OF THE FINAL REPORT IN CC NO.378/2021 ON THE FILES OF JUDICIAL FIRST CLASS MAGISTRATE COURT II, ALUVA. Annexure A3 AFFIDAVIT DATED 30.12.2021 SWORN BY THE 2ND RESPONDENT. Annexure A4 TRUE COPY OF THE STATEMENT DATED 18.09.2021 GIVEN BY THE 3RD RESPONDENT. Annexure A5 TRUE COPY OF THE STATEMENT DATED 05.10.021 GIVEN BY THE 3RD RESPONDENT. Annexure A6 TRUE COPY OF THE STATEMENT DATED

17.09.2021 GIVEN BY THE 2ND RESPONDENT.

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