

Rahul C. Raghavan vs State of Kerala

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Court : Kerala

Decided On : Mar-03-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/521/2022

Appellant : Rahul C. Raghavan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
THURSDAY, THE 3RD DAY OF MARCH 2022 / 12TH PHALGUNA,
1943 CRL.MC NO. 521 OF 2022 Crime No.2189/2021 of Aluva East
Police Station PETITIONER/ACCUSED: RAHUL C. RAGHAVAN AGED
34 YEARS S/O.RAGHAVAN CHEPPULAKKAL HOUSE,
MANJANIKKARA, OMALLUR P.O, PATHANAMTHITTA DISTRICT, PIN
- 689647 BY ADV M.J.SANTHOSH RESPONDENTS/STATE &
COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY THE
CIRCLE INSPECTOR OF POLICE, ALUVA EAST POLICE STATION
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, PIN - 682031 2 REMYA, AGED 36 YEARS, W/O

SUSEEL KUMAR, POOTHAYIL HOUSE, PERUVARAM, PADINJARENADA, NORTH PARAVOOR. ERNAKULAM, PIN - 683513
R2 BY ADV V.A.NAVAS R1 BY SMT T V NEEMA -SR Public Prosecutor
THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 03.03.2022, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING: ..2..

ORDER

This Crl.M.C. has been preferred to quash Annexure 1 FIR in Crime No.2189/2021 of Aluva East Police Station 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 325, 506, 294(b) and 354 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.M.J.Santhosh, the learned counsel for the petitioner, Sri.V.A.Navas, the learned counsel for the respondent No.2 and Smt.T.V.Neema, the learned Senior 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 and the de facto complainant has decided not to proceed with the crime further. The learned Prosecutor, on instruction, ..3.. 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 1 FIR in Crime No.2189/2021 of Aluva East Police Station. The offences in question do not fall within the category of offences ..4.. 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 FIR in Crime No.2189/2021 of Aluva East Police Station stands hereby quashed. Sd/- DR.KAUSER EDAPPAGATH, JUDGE skj ..5.. APPENDIX OF CRL.MC 521/2022 PETITIONER'S ANNEXURES Annexure1 TRUE COPY OF THE FIR IN CRIME NO.2189/2021 OF THE ALUVA EAST POLICE STATION Annexure2 TRUE COPY OF THE FIS IN CRIME NO.2189/2021 OF THE ALUVA EAST POLICE STATION

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