

Sibeesh vs State of Kerala

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Court : Kerala

Decided On : Feb-22-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/534/2022

Appellant : Sibeesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
TUESDAY, THE 22ND DAY OF FEBRUARY 2022 / 3RD PHALGUNA,
1943 CRL.MC NO. 534 OF 2022 CRIME NO.725/2021 OF Kodungallur
Police Station, Thrissur IN CC 1961/2021 OF JUDICIAL MAGISTRATE
OF FIRST CLASS, KODUNGALLUR PETITIONER/ACCUSED:
SIBEESH, AGED 35 YEARS S/O.MOHANAN, VELIPARAMBU HOUSE,
EDAVILANGUDESOM, EDAVILANGU VILLAGE, THRISSUR - 680 671.
BY ADVS. A.RANJITH NARAYANAN A.SIMI RESPONDENTS/STATE &
DEFACTO COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY
THE LEARNED PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
REPRESENTING THE S.I. OF POLICE, KODUNGALLUR POLICE

STATION, THRISSUR - 68- 664. 2 NEENU, AGED 25 YEARS, D/O.RAVEENDRAN, KANDAMTHARA HOUSE, KURIACHIRADESAM, OLOOR VILLAGE, THRISSUR DISTRICT - 680 306. BY ADV S.K.SAJU R2 SRI.M.P PRASANTH, PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 22.02.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -:2:-

ORDER

Dated this the 22nd day of February, 2022 This Crl.M.C. has been preferred to quash Annexure A3 Final Report in Crime No. 725/2021 of Kodungallur Police Station and further proceedings in C.C.No.1961/2021 on the files of the Judicial First Class Magistrate Court, Kodungallur on the ground of settlement between the parties.

2. The petitioner is the accused. The 2nd respondent is the defacto complainant.
3. The offences alleged against the petitioner are under Sections 406 and 498A of IPC.
4. The respondent No.2 entered appearance through counsel. An affidavit sworn in by her is also produced.
5. I have heard Sri. A. Ranjith Narayanan, the learned counsel for the petitioner, Sri. S.K. Saju, the learned counsel for the respondent No.2 and Sri.M.P. Prasanth, the learned Public Prosecutor. -:3:-

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 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.

-: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 A3. 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 A3 Final Report in Crime No. 725/2021 of Kodungallur Police Station and further proceedings in C.C.No.1961/2021 on the files of the Judicial First Class Magistrate Court, Kodungallur stands hereby quashed.

Sd/- DR. KAUSER EDAPPAGATH JUDGE kp True copy P.A. To Judge -:5:-
APPENDIX OF CRL.MC 534/2022 PETITIONER ANNEXURES Annexure A1
CERTIFIED COPY OF THE FIS DATED Annexure A2 CERTIFIED COPY OF THE
F.I.R. DATED KODUNGALLUR POLICE STATION IN THE SAID MATTER.
Annexure A3 CERTIFIED COPY OF CHARGE-SHEET NO.1012/2021 DATED
31/07/2021 FILED BY THE 1ST RESPONDENT KODUNGALLUR POLICE IN
CRIME NO.725/2021. Annexure A4 AFFIDAVIT DATED 31/12/2021 SWORN BY
THE 2ND RESPONDENT/DEFACTO COMPLAINANT.