

Sreejith, vs the State of Kerala

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Court : Kerala

Decided On : Feb-24-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/539/2022

Appellant : Sreejith,

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
THURSDAY, THE 24TH DAY OF FEBRUARY 2022 / 5TH PHALGUNA, 1943
CRL.MC NO. 539 OF 2022 CRIME NO.37/2020 OF Anthikad Police Station,
Thrissur IN CC 730/2020 OF JUDICIAL MAGISTRATE OF FIRST CLASS -
II, THRISSUR PETITIONERS/ACCUSED 1 & 2: 1 SREEJITH, AGED 35 YEARS
S/O. KARUNAKARAN, KARATTUPARAMBIL HOUSE, THANIYAM VILLAGE,
PARINGOTTUKARA KIZHKUMURI DESOM, THRISSUR DISTRICT 680 565. 2
SREEDEVI, AGED 62 YEARS W/O. KARUNAKARAN, KARATTUPARAMBIL
HOUSE, THANIYAM VILLAGE, PARINGOTTUKARA KIZHKUMURI DESOM,
THRISSUR DISTRICT 680 565. BY ADV RAJESH CHAKYAT
RESPONDENTS/ACCUSED 1 TO 4/COMPLAINANT:

1 THE STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM 682 031. 2 THE SUB INSPECTOR OF POLICE, ANTHIKKAD POLICE STATION, THRISSUR DISTRICT REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, 680 681. -:2:- 3 SONA ASHOKAN,AGED 31 YEARS D/O. CHEMBPARAMBIL ASHOKAN, NATTIKADESOM, NATTIKA VILLAGE, CHAVAKKAD TALUK, THRISSUR 680 566. BY ADV BIJU .C. ABRAHAM R3 SMT. T.V. NEEMA, SR. PP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.02.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -:3:-

ORDER

Dated this the 24th day of February, 2022 This Crl.M.C. has been preferred to quash Annexure 1 Final Report in Crime No.37/2020 of Anthikkad Police Station now pending as C.C.No.730/2020 on the files of the Judicial First Class Magistrate Court-II, Thrissur on the ground of settlement between the parties.

2. The petitioners are the accused Nos. 1 and 2. The 3 rd respondent is the defacto complainant.

3. The offences alleged against the petitioners are under Sections 498A, 420, 406, 323 read with Section 34 of IPC.

4. The respondent No.3 entered appearance through counsel. An affidavit sworn in by her is also produced.

5. I have heard Sri. Rajesh Chakyat, the learned counsel for the petitioners, Sri. Biju C. Abraham, the learned counsel for the respondent No.3 and Smt. T.V. Neema, the learned Senior Public Prosecutor.

6. The averments in the petition as well as the affidavit -:4:-

sworn in by the respondent No.3 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 :-5:- 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.37/2020 of Anthikkad Police Station now pending as C.C.No.730/2020 on the files of the Judicial First Class Magistrate Court-II, Thrissur stands hereby quashed. Sd/- DR. KAUSER EDAPPAGATH JUDGE kp True copy P.A. To Judge :-6:- APPENDIX OF CRL.MC 539/2022 PETITIONER ANNEXURES Annexure 1 CERTIFIED COPY OF THE FINAL REPORT/CHARGE SHEET IN C.C. NO. 730/2020 JUDICIAL FIRST CLASS MAGISTRATE COURT NO. II DATED 25.06.2020. Annexure 2 ORIGINAL COPY OF THE AFFIDAVIT FOR SETTLEMENT DATED 19.02.2021.