

Babu vs Shari

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Court : Kerala

Decided On : Mar-07-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/559/2022

Appellant : BABU

Respondent : SHARI

Judgement :

CRL.MC NO. 559 OF 2022 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
MONDAY, THE 7TH DAY OF MARCH 2022 / 16TH PHALGUNA, 1943 CRL.MC
NO. 559 OF 2022 C.C.NO.4082/2013 OF JUDICIAL FIRST CLASS MAGISTRATE
COURT I, ALATHUR PETITIONERS:

1 BABU, AGED 45 YEARS SON OF VELAYUDHAN, ALUMPETTY
VEEU, MURALI NIVAS, PUTHUCODE POST, ALATHUR, PALAKKAD,
PIN - 678687 2 SHAILAJA, AGED 47 YEARS WIFE OF RAMESH,
ANEESH NIVAS, PUTHENPURA, KUZHALMANNAM POST,
PALAKKAD PALAKKAD, PIN - 678702 3 RAMESH, AGED 55 YEARS

SON OF BALAN, ANEESH NIVAS, PUTHENPURA, KOZHALMANNAM
POST, PALAKKAD. PALAKKAD, PIN - 678571 BY ADV V.A.JOHNSON
(VARIKKAPPALLIL)

RESPONDENTS: 1 SHARI, AGED 35 YEARS DAUGHTER OF AJAYAN,
VADAKKADAN VEEDU, VELOOPPADAM POST, POUND DESOM, THRISSUR,
PIN - 680303 2 STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 BY
ADV UNNI SEBASTIAN KAPPEN SMT T V NEEMA -SR PP THIS CRIMINAL
MISC. CASE HAVING COME UP FOR ADMISSION ON 07.03.2022, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING: CRL.MC NO. 559 OF 2022 2

ORDER

This Crl.M.C. has been preferred to quash Annexure 1 Final Report in
C.C.No.4082/2013 on the file of the Judicial First Class Magistrate Court I, Alathur
on the ground of settlement between the parties.

2. The petitioners are the accused Nos.1 to 3. The 1st respondent is the de facto
complainant.

3. The offences alleged against the petitioners are under Sections 498A, 406, 420,
506(1) and 294(B) r/w 34 of IPC.

4. The 1st respondent entered appearance through counsel. An affidavit sworn in
by her is also produced.

5. I have heard Sri.V.A.Johnson, the learned counsel for the petitioners, Sri.Unni
Sebastian Kappen, the learned counsel for the respondent No.1 and
Smt.T.V.Neema, the learned Senior Public Prosecutor.

6. The averments in the petition as well as the affidavit

CRL.MC NO. 559 OF 2022 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. CRL.MC NO. 559 OF 2022 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 1 Final Report. 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 C.C.No.4082/2013 on the file of the Judicial First Class Magistrate Court I, Alathur stands hereby quashed. Sd/-
DR. KAUSER EDAPPAGATH JUDGE ab CRL.MC NO. 559 OF 2022 5
APPENDIX OF CRL.MC 559/2022 PETITIONER ANNEXURES Annexure1
CERTIFIED COPY OF THE FINAL REPORT IN C.C.NO.4082 OF 2013 OF THE
COURT OF JUDICIAL FIRST CLASS MAGISTRATE-I, ALATHUR. Annexure2
TRUE COPY OF THE DEATH CERTIFICATE OF 2ND ACCUSED DATED
05.05.2014 ISSUED FROM PALAKKAD MUNICIPALITY Annexure3 TRUE COPY
OF THE DEATH CERTIFICATE OF 3RD ACCUSED DATED 16.02.2015 ISSUED
FROM AVANUR GRAMA PANCHAYAT Annexure4 AFFIDAVIT SWORN BY THE

1ST RESPONDENT EVIDENCING THE FACTUM OF SETTLEMENT
RESPONDENTS ANNEXURES : NIL

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