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Neelima vs State of Kerala

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Court : Kerala

Decided On : Feb-28-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/606/2022

Appellant : Neelima

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH MONDAY, THE 28TH DAY OF FEBRUARY 2022/ 9TH PHALGUNA, 1943 CRL.MC NO. 606 OF 2022 C.C.No.514/2021 JUDICIAL FIRST CLASS MAGISTRATE COURT II, MAVELIKARA, CRIME No.662/2021 OF NOORANADU POLICE STATION PETITIONERS/ACCUSED Nos.1 to 3: 1 NEELIMA, AGED 21 YEARS, D/O MADHU, MADHUVILASAM, NOORANAD PO, 2 SHYNI, AGED 41 YEARS, D/O. MADHU, MADHUVILASAM, NOORANAD PO, 3 MADHU, AGED 52 YEARS, S/O. MADHAVAN, MADHUVILASAM, NOORANAD PO, BY ADV V.VIJITHA RESPONDENTS/STATE/DEFACTO COMPLAINANT: 1 STATE OF KERALA, REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 2 RADHAMANY, AGED 57 YEARS W/O BABU,

SIVAKRIPA, EDAKUNNAM, NOORANAD, SRI M P PRASANTH- PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 28.02.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: ..2..

ORDER

This Crl.M.C. has been preferred to quash Annexure B Final Report in C.C.No.514/2021 on the file of the Judicial First Class Magistrate Court-II, Mavelikara on the ground of settlement between the parties.

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

3. The offences alleged against the petitioners are under Sections 294(b), 323, 324, 326 and 34 of the IPC.

4. An affidavit sworn in by the 2nd respondent is also produced.

5. I have heard Smt.V.Vijitha, the learned counsel for the petitioners 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 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 B Final Report in C.C.No.514/2021 on the file of the Judicial First Class Magistrate Court-II, Mavelikara. The offences in question ..4.. 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 B Final Report in C.C.No.514/2021 on the file of the Judicial First Class Magistrate Court-II, Mavelikara stands hereby quashed.

Sd/- DR.KAUSER EDAPPAGATH, JUDGE skj ..5.. APPENDIX OF CRL.MC 606/2022 PETITIONERS' ANNEXURES Annexure A TRUE COPY OF THE FIR IN CRIME NO.662/2021 OF THE NOORANADU POLICE STATION AnnexureB TRUE COPY OF THE FINAL REPORT IN CRIME NO.662/2021 OF THE NOORANADU POLICE STATION Annexure C AFFIDAVIT FILED BY THE 2ND RESPONDENT

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