

Muhammed vs Public Prosecutor

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Court : Kerala

Decided On : Feb-25-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/850/2022

Appellant : Muhammed

Respondent : Public Prosecutor

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
FRIDAY, THE 25TH DAY OF FEBRUARY 2022 / 6TH PHALGUNA,
1943 CRL.MC NO. 850 OF 2022 CRIME NO.99/2006 OF
Peruvannamuzhy Police Station, Kozhikode CC NO.1310/2014 OF
JFCM-II, PERAMBRA PETITIONER/ACCUSED: MUHAMMED, AGED
46 YEARS, S/O MOITHY MADATHIL MEETHAL HOUSE, PERAMBRA
AMSOM, KILIYARAMBILAYI DESOM, P.O. NOCHADU, KOYILANDY
TALUK, KOZHIKODE, PIN - 673514 BY ADVS. J.R.PREM NAVAZ
SUMEEN S. RESPONDENTS:

1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 2 SOUDHA,

AGED 35 YEARS, D/O AMMAD RESIDING AT CHALAKKANDY HOUSE, VANIMEL AMSOM, DESOM, P.O. VANIMEL, VATAKARA TALUK, KOZHIKODE, PIN - 673506 SRI. AJOY VENU R2 SRI. M.P PRASANTH PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 25.02.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -:2:-

ORDER

Dated this the 25th day of February, 2022 This Crl.M.C. has been preferred to quash Annexure A1 Final Report in Crime No. 99/2006 of Peruvannamuzhi Police Station now pending as C.C.No. 1310/2014 on the files of the Judicial Magistrate of First Class II, Perambra on the ground of settlement between the parties.

2. The petitioner is the accused No.1. Accused Nos. 2, 4 and 5 already faced trial and they were acquitted. The accused No.3 is no more. The 2nd respondent is the defacto complainant.

3. The offences alleged against the petitioner are under Sections 498A, 406 and 34 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. J.R. Prem Navaz, the learned counsel for the petitioner, Sri. Ajoy Venu, 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 A1. 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 A1 Final Report in Crime No. 99/2006 of Peruvannamuzhi Police Station now pending as C.C.No. 1310/2014 on the files of the Judicial Magistrate of First Class II, Perambra stands hereby quashed. Sd/- DR. KAUSER EDAPPAGATH JUDGE kp True copy P.A. To Judge

-:5:- APPENDIX OF CRL.MC 850/2022 PETITIONER ANNEXURES Annexure1 THE CERTIFIED COPY OF THE FINAL REPORT/CHARGE SHEET IN CRIME NO: 99 OF 2006 OF PERUVANNAMUZHI POLICE STATION, KOZHIKODE DISTRICT Annexure2 AFFIDAVIT OF THE 2ND RESPONDENT/DEFACTO COMPLAINANT

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