

Omana vs State of Kerala

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Court : Kerala

Decided On : Apr-07-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/925/2022

Appellant : OMANA

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
THURSDAY, THE 7TH DAY OF APRIL 2022 / 17TH CHAITHRA, 1944
CRL.MC NO. 925 OF 2022 CRIME 1021 OF 2021 OF MUMILY POLICE
STATION PETITIONERS/ACCUSED

1 OMANA, AGED 62 YEARS, W/O VIJAYAN, VALIPLACKAL HOUSE,
NETTITHOZHU P O, KOCHARA, IDUKKI, PIN - 685551 2 KUMAR,
AGED 30 YEARS, S/O MURUGAN, PANKAJA VILASAM,
VELLARAMKUNNU P O, 3 VIJAYAN, AGED 65 YEARS, S/O OMANA,
VALIPLACKAL HOUSE, NETTITHOZHU P O, KOCHARA, IDUKKI, PIN -
685551 4 BIJU A S, AGED 42 YEARS, S/O SREEDHARAN, ALUMKAL

HOUSE, VELLARAMKUNNU P O, PATHUMURI, IDUKKI, PIN - 685551
5 MARY, AGED 50 YEARS, W/O THANKARAJ, LAKSHAM VEEDU,
VELLARAMKUNNU PO, PATHUMURI, IDUKKI, PIN - 685551 6
SARASA, AGED 55 YEARS W/O MADHAVAN, LAKSHAM VEEDU,
VELLARAM KUNNU P O, 7 SANTHAMMA, AGED 66 YEARS W/O
SREEDHARAN, ALUMKAL HOUSE, VELLARAMKUNNU P O, BY ADV
K.S.ARUNDAS

RESPONDENTS/STATE AND DE FACTO COMPLAINANT 1 STATE OF
KERALA, REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT
OF KERALA, PIN - 682031 2 GIRIJA, AGED 48 YEARS, W/O SREENI,
VALIPLACKAL HOUSE, KARIKUZHY BHAGAM, VISWANATHAPURAM
P O, KUMILY, IDUKKI DISTRICT. , PIN - 685551 BY ADV ABIJITH.K
SMT TV NEEMA-SR PP THIS CRIMINAL MISC. CASE HAVING COME
UP FOR ADMISSION ON 07.04.2022, THE COURT ON THE SAME
DAY PASSED THE FOLLOWING:

ORDER

This Crl.M.C. has been preferred to quash Annexure-1 FIR in Crime No.1021/2021 of Kumily police station, on the ground of settlement between the parties.

2. The petitioners are accused Nos.1 to 7. The 2 nd respondent is the de facto complainant.
3. The offences alleged against the petitioners are under Sections 143, 147, 447, 379, 294 b, 354, 354(B), 506 and 149 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.K.S.Arundas, the learned counsel for the petitioners, Sri.Abijith K., the learned counsel for the respondent No.2 and Smt.T.V.Neema, the learned Senior Public Prosecutor for the respondent No.1.
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.

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 FIR in Crime No.1021/2021 of Kumily police station. 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 CrI.M.C. is allowed. Annexure-1 FIR in Crime No.1021/2021 of Kumily police station stands hereby quashed. DR.KAUSER EDAPPAGATH, Judge Mrcs. APPENDIX OF CRL.MC 925/2022 PETITIONER ANNEXURES Annexure1 CERTIFIED COPY OF FIR IN CRIME NO Annexure2 AFFIDAVIT FILED BY THE 2ND RESPONDENT