

Ashwin V.a., vs State of Kerala

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Court : Kerala

Decided On : Apr-06-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/1077/2021

Appellant : Ashwin V.a.,

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
WEDNESDAY, THE 6TH DAY OF APRIL 2022/ 16TH CHAITHRA, 1944
CRL.MC NO. 1077 OF 2021 PETITIONERS/ACCUSED NOS 1 AND 2: 1
ASHWIN V.A., AGED 19 YEARS, S/O ANILKUMAR, VAZHELIL HOUSE,
ALANGAD P O, KOTTAPURAM, PIN-683511. 2 LIJOY K SIJO AGED 20
YEARS, S/O SIJO JAMES, KARIYATTIL HOUSE, ALANGAD P O,
KOTTAPPURAM, PIN-683511. BY ADV JAISON JOSEPH
RESPONDENTS/STATE AND CW1: 1 STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM, PIN-682031. 2 SUB INSPECTOR OF POLICE
ALUVA WEST POLICE STATION. 3 SELVI AGED 40 YEARS, W/O

RAJESH, ERAVIPURAM HOUSE, ALANGAD P O, KOTTAPPURAM KARA, PIN-683511. 4 ADHITH AGED 20 YEARS, S/O RAJESH, ERAVIPURAM HOUSE, ALANGAD P O, KOTTAPPURAM KARA, PIN-683511. BY ADV P.S.APPU-R3, R4 SMT T V NEEMA -SR PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 06.04.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: ..2..

ORDER

Dated this the 06th day of April, 2022 This Crl.M.C. has been preferred to quash Annexure-A1 FIR in Crime No.36/2021 of the Aluva West Police Station on the ground of settlement between the parties.

2. The petitioners are the accused Nos.1 and 2. The 3 rd respondent is the de facto complainant and the 4th respondent is the son of the de facto complainant.

3. The offences alleged against the petitioners are under Sections 341, 323, 324, 354, 294(b) and 34 of the IPC.

4. Since, the learned Public Prosecutor submitted last

time that the de facto complainant stated before the investigating officer that the matter was not settled, has summoned the de facto complainant as well as her son who are respondents Nos.3 and 4, they are present before this Court. They stated that the entire matter has become amicably settled.

5. The 3rd and 4th respondents entered appearance through counsel. Affidavits sworn in by them are also produced. ..3..

6. I have heard Sri.Jaison Joseph, the learned counsel for the petitioners, Sri.P.S.Appu, the learned counsel for the 3 rd and 4th respondents and Smt.T.V.Neema, the learned Senior Public Prosecutor.

7. The averments in the petition as well as the

affidavit sworn in by the 3rd and 4th respondents 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

..4.. 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- 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 FIR in Crime No.36/2021 of the Aluva West Police Station stands hereby quashed.

Sd/- DR.KAUSER EDAPPAGATH, JUDGE ded/06.04.2022 ..5.. APPENDIX OF CRL.MC 1077/2021 PETITIONER ANNEXURES ANNEXURE-A1 CERTIFIED COPY OF THE FIR ALONG WITH F.I. STATEMENT IN CRIME NO.36 OF 2021 PF ALUVA WEST POLICE STATION. ANNEXURE-A2 AFFIDAV8T FILED BY RESPONDENT NO.3 ANNEXURE-A3 AFFIDAV8T FILED BY RESPONDENT

NO.4. RESPONDENT'S/S EXHIBITS : NIL. //TRUE COPY// P.A. TO JUDGE

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