

Muhammad Farbees vs Raheena

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Court : Kerala

Decided On : May-31-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/1343/2022

Appellant : Muhammad Farbees

Respondent : Raheena

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
TUESDAY, THE 31ST DAY OF MAY 2022 / 10TH JYAISHTA, 1944
CRL.MC NO. 1343 OF 2022 CRIME NO.669/2021 OF Areacode Police
Station, Malappuram PETITIONER/ACCUSED 1 TO 5: 1 MUHAMMAD
FARBEES AGED 21 YEARS S/O. ABDUL RASHEED, NELLIKATHODI
HOUSE, MUTHUVALLOR,KONDOTTY, MALAPURAM , PIN - 673638 2
ABDUL RASHEED AGED 52 YEARS S/O MUHAMMAD, AGED 52
YEARS, NELLIKATHODI HOUSE, MUTHUVALLOR,KONDOTTY,
MALAPURAM-673638 3 MUHAMMAD FASLUL LABIK AGED 25
YEARS S/O. ABDUL RASHEED, NELLIKATHODI HOUSE,
MUTHUVALLOR,KONDOTTY, MALAPURAM-673638. 4 ATHEEQ

RAHMAN AGED 41 YEARS S/O HASSAIN PARAKUNNATH HOUSE ,
THRIKKALAYOOR, AROEEKODE P O ,MALAPURAM-673639 5 SABU
@ NAFAR NABEEL AGED 18 YEARS NELLIKATHODI
HOUSE, MUTHUVALLOR, KONDOTTY, MALAPURAM.673638 -:2:- BY
ADVS. PHILIP J. VETTICKATTU SAJITHA GEORGE NEENU BERNATH
RESPONDENTS/COMPLAINANT: 1 RAHEENA, AGED 29 YEARS D/O
HASSAIN ,AGED 29 YEARS, THRIKKALAYOOR, KIZHUPARAMBA,
MALAPPURAM-673638 2 MARIYAKUTTY AGED 55 YEARS W/O
HASSAIN , THRIKKALAYOOR, KIZHUPARAMBA, MALAPPURAM-
673638 3 STATE OF KERALA, REP. BY PUBLIC PROSECUTOR, HIGH
COURT OF KERALA, ERNAKULAM-682031 BY ADV LAL K JOSEPH
SMT. T.V. NEEMA, SR. PP THIS CRIMINAL MISC. CASE HAVING
COME UP FOR ADMISSION ON 31.05.2022, THE COURT ON THE
SAME DAY PASSED THE FOLLOWING: -:3:-

ORDER

Dated this the 31st day of May, 2022 This Crl.M.C. has been preferred to quash all further proceedings pursuant to Annexure A2 Final Report in Crime No. between the parties.

2. The petitioners are the accused Nos. 1 to 5. The 1 st respondent is the defacto complainant and the 2 nd respondent is her mother.

3. The offences alleged against the petitioners are punishable under Sections 341, 323, 448, 427, 506(i) read with Section 34 of IPC.

4. The respondent Nos. 1 and 2 entered appearance through counsel. Affidavits sworn in by them are also produced.

5. I have heard Sri. Philip J. Vettickattu, the learned counsel for the petitioners, Sri. Lal K. Joseph, the learned counsel for the respondent Nos. 1 and 2 and Smt. T.V. Neema, the learned Senior Public Prosecutor. -:4:-

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

sworn in by the respondent Nos. 1 and 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 criminal proceedings 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 by 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 the ends of justice or to prevent abuse of

-:5:- 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 A2. 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 any further. Accordingly, the Crl.M.C. is allowed. All further proceedings pursuant to Annexure A2 Final Report in Crime No. 669/2021 Areakkode Police Station hereby stands quashed.

Sd/- DR. KAUSER EDAPPAGATH JUDGE kp -:6:- APPENDIX OF CRL.MC 1343/2022 PETITIONER ANNEXURES Annexure A1 ANNEXURE-A1 : CERTIFIED COPY OF THE F.I.R AND F.I. STATEMENT IN CRIME NO. Annexure A2 ANNEXURE A2 : CERTIFIED COPY OF THE FINAL REPORT IN

CRIME NO. 669/2021 IN CC NO.1218/21 PENDING BEFORE THE JFCM1,MANJERI. Annexure A3 ANNEXURE A3 : AFFIDAVIT FILED BY THE 1ST RESPONDENT. Annexure A3(a) ANNEXURE A3(A) : AFFIDAVIT FILED BY THE 2ND RESPONDENT

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