

Gest vs State of Kerala

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Court : Kerala

Decided On : May-24-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/1660/2022

Appellant : GEST

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
TUESDAY, THE 24TH DAY OF MAY 2022 / 3RD JYAISHTA, 1944 CRL.MC NO.
1660 OF 2022 CC 2153/2021 OF JUDICIAL MAGISTRATE OF FIRST CLASS -I,
KOLLAM Crime No.3027/2020 of Kundara Police Station
PETITIONERS/ACCUSED 1 TO 4:

1 GEST GIMPAL AGED 36 YEARS SON OF JOSEPH RESIDING AT
NEW FAMY COTTAGE, AYARKUNNAM, KOTTAYAM , PIN - 686564 2
JOSEPH V J AGED 75 YEARS SON OF JOHN RESIDING AT NEW
FAMY COTTAGE, AYARKUNNAM, KOTTAYAM, PIN - 686564 3 C M
LEELA AGED 63 YEARS WIFE OF JOSEPH RESIDING AT NEW FAMY

COTTAGE, AYARKUNNAM, KOTTAYAM, PIN - 686564 4 GRIT
RIMPLE AGED 38 YEARS SON OF JOSEPH RESIDING AT NEW
FAMY COTTAGE, AYARKUNNAM, KOTTAYAM, PIN - 686564

BY ADV G.KIRAN RESPONDENTS/STATE & DE FACTO COMPLAINANT: 1
STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH
COURT OF KERALA, PIN - 682031 ..2.. 2 STATION HOUSE OFFICER
KUNDARA POLICE STATION, KUNDARA, KOLLAM, PIN - 691501 3 BINCY
JOSEPH AGED 32 YEARS DAUGHTER OF JOSEPH RESIDING AT BINOY
BHAVAN, KUNDARA, KOLLAM , PIN - 691501. R3 BY ADV R.KISHORE
(KALLUMTHAZHAM) OTHER PRESENT: R1 & R2 BY SRI M P PRASANTH-
PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 24.05.2022, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING: ..3..

ORDER

This Crl.M.C. has been preferred to quash Annexure-2 Final Report in Crime
No.3027/2020 of Kundara Police Station on the ground of settlement between the
parties.

2. The petitioners are the accused Nos.1 to 4. The 3rd respondent is the de facto
complainant.

3. The offences alleged against the petitioners are punishable under Sections
498A, 324, 294(b) and 34 of the IPC.

4. The respondent No.3 entered appearance through counsel. An affidavit sworn
in by her is also produced.

5. I have heard Sri.G.Kiran, the learned counsel for the petitioners, Sri.R.Kishore,
the learned counsel for the respondent No.3 and Sri.M.P.Prasanth, the learned
Public Prosecutor for the respondent Nos.1 and 2,

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

sworn in by the respondent No.3 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 ..4.. 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 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-2 Final Report in Crime No.3027/2020 of Kundara Police Station. The offences in question do not fall within the category of ..5.. 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 CrI.M.C. is allowed. Annexure-2 Final Report in Crime No.3027/2020 of Kundara Police Station hereby stands quashed. Sd/- DR.KAUSER EDAPPAGATH, JUDGE skj ..6.. APPENDIX OF CRL.MC 1660/2022 PETITIONERS' ANNEXURES Annexure1 THE CERTIFIED COPY OF THE FIR NO. Annexure2 THE CERTIFIED COPY OF THE FINAL REPORT NO. 2153/2021 DATED 30.12.2021 Annexure3 THE TRUE COPY OF THE SETTLEMENT AGREEMENT EXECUTED BEFORE THE FAMILY COURT IN OP NO. 1314/2020 DATED 22.01.2022 Annexure4 THE TRUE COPY OF THE AFFIDAVIT EXECUTED BY THE DE-FACTO COMPLAINANT DATED 22ND JANUARY 2022

