

Jeevan vs State of Kerala

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Court : Kerala

Decided On : Mar-31-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/1769/2022

Appellant : Jeevan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
THURSDAY, THE 31ST DAY OF MARCH 2022/ 10TH CHAITHRA, 1944 CRL.MC
NO. 1769 OF 2022 CRIME NO.944/2018 OF Pathanamthitta Police Station,
Pathanamthitta CC 1151/2018 OF JUDICIAL MAGISTRATE OF FIRST CLASS -I,
PATHANAMTHITTA PETITIONERS/ACCUSED 2 & 3:

1 JEEVAN AGED 22 YEARS S/O SHIBU C. JACOB, JEEVAN BHAVAN,
PUTHENPIDIKA, PAIVALLI BAGAM MURI, OMALLOOR VILLAGE,
PATHANAMTHITTA DISTRICT, PIN - 689647 2 ALEX AGED 64 YEARS
S/O FR. K. THOMAS, KAVADIPADIKAL VEEDU, CMRA -II ,CMC LANE,
NALANCHIRA P.O., THIRUVANANTHAPURAM DISTRICT, PIN -

695015 BY ADVS. MANU RAMACHANDRAN M.KIRANLAL R.RAJESH
(VARKALA) T.S.SARATH SAMEER M NAIR GEETHU KRISHNAN
HARSHA SUSAN SAM

RESPONDENTS/STATE,DE FACTO COMPLAINANT & INJURED: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 ..2.. 2 THE STATION HOUSE OFFICER PATHANAMTHITTA POLICE STATION, PATHANAMTHITTA DISTRICT, PIN - 689645 3 SHERLY ABRAHAM AGED 52 YEARS W/O ABRAHAM THOMAS, THEKKUMKATTIL ASHIRVAD, PUNNAKKAD, MALLAPPUZHASSERY MURI & VILLAGE, KOZHENCHERRY TALUK, PATHANAMTHITTA DISTRICT, PIN - 689652 4 ANNAMMA JACOB AGED 74 YEARS W/O JACOB VARGHESE, CHAYAPPUNNACKAL PUTHENPURAYIL, KURIYANNOOR P.O., THOTTAPPUZHASSERY VILLAGE, THIRUVALLA TALUK, PATHANAMTHITTA DISTRICT, PIN - 689550 R3 & R4 BY ADV.ANSU VARGHESE R1 & R2 BY SMT.T.V.NEEMA SR. PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31.03.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: ..3..

ORDER

This Crl.M.C. has been preferred to quash Annexure A1 Final Report in Crime No.944/2018 of Pathanamthitta Police Station on the ground of settlement between the parties.

2. The petitioners are the accused Nos.2 and 3. The 1 st accused is no more. The 3rd respondent is the de facto complainant.

3. The offences alleged against the petitioners are under Sections 341 and 323 read with Section 34 of the IPC.

4. The respondent Nos.3 and 4 entered appearance through counsel. Affidavits sworn in by them are also produced.

5. I have heard Sri.Manu Ramachandran, the learned

counsel for the petitioners, Sri.Ansu Varghese, the learned counsel for the respondent Nos.3 and 4 and Smt.T.V.Neema, the learned Senior Public Prosecutor for the respondent Nos.1 and 2.

6. The averments in the petition as well as the

affidavits sworn in by the respondent Nos.3 and 4 would show ..4.. 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 ..5.. affected by quashing the proceedings pursuant to Annexure A1 Final Report in Crime No.944/2018 of Pathanamthitta 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 Crl.M.C. is allowed. Annexure A1 Final Report in Crime No.944/2018 of Pathanamthitta Police Station stands hereby quashed. Sd/- DR.KAUSER EDAPPAGATH, JUDGE skj ..6..
APPENDIX OF CRL.MC 1769/2022 PETITIONERS' ANNEXURES Annexure A1

THE CERTIFIED COPY OF THE FINAL REPORT

IN CRIME NO.944/2018 OF POLICE STATION OF PATHANAMTHITTA, PATHANAMTHITTA DISTRICT WHICH IS NOW PENDING AS C.C NO.1151/2018 ON THE FILES OF JFCM COURT-I, PATHANAMTHITTA Annexure A2 THE TRUE COPY OF THE DEATH CERTIFICATE OF ACCUSED NO.1 OF ANNEXURE.A1 FINAL REPORT VIDE. REG NO. 292/2020 ISSUED ON 17.08.2020 BY PATHANAMTHITTA MUNICIPALITY Annexure A3 THE ORIGINAL OF THE AFFIDAVIT DATED 10.03.2022 SWORN BY THE 3RD RESPONDENT/DE-FACTO COMPLAINANT Annexure A4 THE ORIGINAL OF THE AFFIDAVIT DATED 10.03.2022 SWORN BY THE 4TH RESPONDENT/INJURED

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