

Samyoon vs the State of Kerala

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Court : Kerala

Decided On : Aug-31-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/3081/2019

Appellant : Samyoon

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
WEDNESDAY, THE 31ST DAY OF AUGUST 2022 / 9TH BHADRA,
1944 CRL.MC NO. 3081 OF 2019 AGAINST THE ORDER/JUDGMENT
IN CC 600/2018 OF JUDICIAL MAGISTRATE OF FIRST CLASS -I,
PONNANI PETITIONER/ACCUSED: SAMYOON AGED 36 YEARS S/O.
MOIDU MOULAVI, MUNDEKATTU HOUSE, PUTHUPONNANI,
PALLIPPADI, PONNANI SOUTH P.O., PONNANI TALUK,
MALAPPURAM DISTRICT. BY ADV K.B.ARUNKUMAR
RESPONDENTS/STATE & DE FACTO COMPLAINANT: 1 THE STATE
OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR,HIGH
COURT OF KERALA, ERNAKULAM 682 031. 2 THE SUB INSPECTOR

OF POLICE PONNANI POLICE STATION, MALAPPURAM DISTRICT 679 577. 3 AYSHABI, AGED 29 YEARS D/O. HAMSA HAJI, MUNDEKATTU HOUSE, KOTI, IIIATHATADAM, TIRUR, MALAPPURAM DISTRICT 679 101. BY ADV SRI.P.VENUGOPAL (1086/92) SRI SANGEETHA RAJ-PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31.08.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: ..2..

ORDER

This Crl.M.C. has been filed to quash all further proceedings in Annexure-2 Final Report in CC No. 600/2018 on the file of the Judicial First Class Magistrate's Court, Ponnani. During the pendency of the above Crl.M.C., the matter has been settled between the parties.

2. The petitioner is the sole accused. The respondent No. 3 is the de facto complainant.

3. The offences alleged against the petitioner are punishable under Sections 406, 498A r/w 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. K B Arunkumar, the learned counsel for the petitioner, Sri. P Venugopapl, the learned counsel for the respondent No. 3 and Sri. Sangeetha Raj, the learned Public Prosecutor.

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

sworn in by the respondent No. 3 would show that the entire ..3.. 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 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 ..4.. quashing the proceedings pursuant to Annexure-2. 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 CrI.M.C. is allowed. Annexure-2 Final Report in CC No. 600/2018 on the file of the Judicial First Class Magistrate's Court, Ponnani hereby stands quashed.
Sd/- DR.KAUSER EDAPPAGATH, JUDGE

RMV ..5.. APPENDIX OF CRL.MC 3081/2019 PETITIONER ANNEXURES
ANNEXURE 1 THE CERTIFIED COPY OF THE FIR ALONG WITH FIS IN CRIME NO. 187/2011 OF PONNANI POLICE STATION. ANNEXURE 2 THE CERTIFIED COPY OF THE FINAL REPORT IN C.C. NO. 295/2011 ON THE FILE OF JUDICIAL FIRS CLASS MAGISTRATE COURT, PONNANI. ANNEXURE 3 THE

TRUE COPY OF THE JUDGMENT IN C.C. NO. CLASS MAGISTRATE COURT,
PONNANI.

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