

Roy vs State of Kerala

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Court : Kerala

Decided On : Jul-18-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/3893/2022

Appellant : ROY

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
MONDAY, THE 18TH DAY OF JULY 2022 / 27TH ASHADHA, 1944 CRL.MC NO.
3893 OF 2022 CRIME NO.464/2021 OF Mala Police Station, Thrissur CC
1080/2021 OF JUDICIAL MAGISTRATE OF FIRST CLASS, CHALAKUDY
PETITIONERS/ACCUSED 1 & 2: 1 ROY AGED 29 YEARS S/O THOMAS,
MALIYEKKAL KOONAN (H) PUTHENCHIRA, THRISSUR DISTRICT PIN -
680682 2 POULLY, AGED 56 YEARS W/O THOMAS, MALIYEKKAL KOONAN
(H) PUTHENCHIRA, THRISSUR DISTRICT PIN - 680682 BY ADV
N.V.P.RAFEEQUE RESPONDENTS/STATE & DEFACTO COMPLAINANT:

1 STATE OF KERALA REPRESENTED PUBLIC PROSECUTOR, HIGH COURT OF KERALA, KOCHIN, PIN - 682031 2 STATION HOUSE OFFICER MALA POLICE STATION, MALA POLICE STATION, THRISSUR, PIN - 680732 -:2:- 3 ALFIYA AGED 22 YEARS W /O ROY, D/O JOSE, MELEDATH (H), BALUSSERY P.O KOZHIKODE DISTRICT , PIN - 673612 BY ADVS. SMT. T.V. NEEMA, SR. PP SMT.PRAJISHA M.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18.07.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -:3:-

ORDER

Dated this the 18th day of July, 2022 This Crl.M.C. has been preferred to quash further proceedings pursuant to Annexure A2 Final Report in Crime No.464/2021 of Mala 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 defacto complainant.

3. The offences alleged against the petitioners are punishable under Sections 498 A read with 34 of IPC.

4. The respondent No. 2 entered appearance through counsel. An affidavit sworn in by her is also produced.

5. I have heard Sri. N.V.P. Rafeeqe, the learned counsel for the petitioner/petitioners, Smt.Prajisha M., the learned counsel for the respondent No.3 and Smt. T.V. Neema, 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 dispute between the parties has been amicably settled and the -:4:- 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 quashing the proceedings pursuant to Annexure A2. The :-5:-

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. Further proceedings pursuant to Annexure A2 Final Report in Crime No.464/2021 of Mala Police Station hereby stands quashed. Sd/- DR. KAUSER EDAPPAGATH JUDGE kp -

:6:- APPENDIX OF CRL.MC 3893/2022 PETITIONER ANNEXURES Annexure A1 A CERTIFIED COPY OF THE FIR IN CRIME NO Annexure A2 CERTIFIED COPY OF THE CHARGE SHEET AND FINAL REPORT IN CRIME NO 464/2021 OF MALA POLICE STATION Annexure3 THE ORIGINAL AFFIDAVIT FILED BY THE 3RD RESPONDENT

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