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Krishnakumar K.S vs State of Kerala

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Court : Kerala

Decided On : Jun-30-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/3947/2022

Appellant : Krishnakumar K.S

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH THURSDAY, THE 30TH DAY OF JUNE 2022 / 9TH ASHADHA, 1944 CRL.MC NO. 3947 OF 2022 CRIME NO.624/2015 OF Malayinkeezh Police Station, Thiruvananthapuram CC 75/2016 OF JUDICIAL MAGISTRATE OF FIRST CLASS , KATTAKADA PETITIONERS:

1 KRISHNAKUMAR K.S AGED 40 YEARS KRISHNA KRIPA HOUSE, CHELLAMANGALAM, MALAYANKEEZHU P.O, THIRUVANANTHAPURAM, PIN - 2 SURENDRAN NAIR AGED 74 YEARS S/O KRISHNA PILLA, KRISHNA KRIPA HOUSE, CHELLAMANGALAM, MALAYANKEEZHU P.O,

THIRUVANANTHAPURAM, PIN - 695571 3 PADMAKUMARI AGED 64 YEARS W/O SURENDRAN NAIR, KRISHNA KRIPA HOUSE, CHELLAMANGALAM, MALAYANKEEZHU P.O, THIRUVANANTHAPURAM, PIN - 695571 BY ADV LEKHA MENON

RESPONDENTS:

1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 2 RAJESWARI G.C AGED 35 YEARS D/O. B.GOVINDAN NAIR, THUNDIPARAMBIL HOUSE, HOUSE NO.49/1248-A, EDAPPALLY P.O., ERNAKULAM, PIN - 682024 R1 BY SRI.P.G.MANU, SR. Public Prosecutor R2 BY ADV.U.S.SARITHA THIS CRIMINAL MISC. CASE HAVING COME UP FOR

ADMISSION ON 30.06.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: ..2..

ORDER

This Crl.M.C. has been preferred to quash Annexure-A1 Final Report in C.C.No.75/2016 on the file of the Judicial First Class Magistrate Court, Kattakada on the ground of settlement between the parties.

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

3. The offence alleged against the petitioners is punishable under Section 498A read with Section 34 of the IPC.

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

5. I have heard Smt.Lekha, the learned counsel for the petitioners, Smt.U.S.Saritha, the learned counsel for the respondent No.2 and Sri.P.G.Manu, the learned Senior Public Prosecutor for the respondent No.1.

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

sworn in by the respondent No.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 ..3.. 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-A1 Final Report in C.C.No.75/2016 on the file of the Judicial First Class Magistrate Court, Kattakada. The offence in question ..4.. does 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. Annexure-A1 Final Report in C.C.No.75/2016 on the file of the Judicial First Class Magistrate Court, Kattakada hereby stands quashed. Sd/- DR.KAUSER EDAPPAGATH, JUDGE skj ..5.. APPENDIX OF CRL.MC 3947/2022 PETITIONERS' ANNEXURES Annexure A1 THE TRUE COPY OF THE FINAL REPORT IN C.C.NO 75 OF 2016 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT KATTAKKADA Annexure A2 THE AFFIDAVIT OF THE 2ND RESPONDENT

EVIDENCES THE SETTLEMENT OF THE DISPUTES BETWEEN THE PETITIONERS AND 2ND RESPONDENT. THE AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT DATED 02/06/2022

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