

Vishnu vs State of Kerala

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Court : Kerala

Decided On : Jul-29-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/4791/2022

Appellant : Vishnu

Respondent : State of Kerala

Advocate for Def. : Sri. Muhammed Rafi

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
FRIDAY, THE 29TH DAY OF JULY 2022 / 7TH SRAVANA, 1944
CRL.MC NO. 4791 OF 2022 CRIME NO.425/2022 OF KALLAMBALAM
POLICE STATION, THIRUVANANTHAPURAM
PETITIONER/ACCUSED: VISHNU AGED 20 YEARS, S/O.VIKRAMAN,
AKHIL NIVAS, KALLINDANTHI, PANAYARA P.O, VARKALA,
THIRUVANANTHAPURAM, PIN - 695145 BY ADVS.K.SIJU ANJANA
KANNATH T.S.SREEKUTTY RESPONDENTS/STATE & DE FACTO
COMPLAINANT:

1 STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR,HIGH COURT OF KERALA, ERNAKULAM-31 2
STATION HOUSE OFFICER KALLAMBALAM POLICE STATION,
THIRUVANANTHAPURAM DISTRICT, PIN - 695605 3 ANAGHA
PRAKASH, AGED 18 YEARS, D/O REENA, RESIDING AT ARCHA
BHAVAN, NEAR KUNDAMANKADU SIVA TEMPLE, MAVINMOODU
DESOM, CHEMMARUTHY VILLAGE, THIRUVANANTHAPURAM, PIN -
695146 BY ADV A.MUHAMMED RAFFI SMT.T.V. NEEMA SENIOR
PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME
UP FOR ADMISSION

ON 29.07.2022, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING: -:2:-

ORDER

Dated this the 29th day of July, 2022 This Crl.M.C. has been preferred to quash Annexure 1 FIR in Crime No. 425/2022 of Kallambalam Police Station, Thiruvananthapuram on the ground of settlement between the parties.

2. The petitioner is the accused. The 3rd respondent is de facto complainant.
3. The offences alleged against the petitioner are punishable under Sections 341, 323, 324, 354 and 506 of 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.Siju, the learned counsel for the petitioner, Sri. Muhammed Rafi the learned counsel for the respondent No. 3 and Smt.T.V Neema, the learned Senior 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 de facto complainant has decided not to

proceed with the -:3:- 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 1 The offences in question do not fall within the category of offences -:4:- 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 1 FIR in Crime No.

hereby stands quashed. Sd/- DR. KAUSER EDAPPAGATH JUDGE kp -:5:-
APPENDIX OF CRL.MC 4791/2022 PETITIONER ANNEXURES Annexure1 THE
CERTIFIED COPY OF FIR AND FIS IN CRIME NO.425/2022 OF KALLAMBALAM
POLICE STATION DATED 10.6.2022 Annexure2 THE AFFIDAVIT SWORN BY
THE DEFACTO COMPLAINANT/3RD RESPONDENT DATED 13.7.2022
REGARDING SETTLEMENT