

Jayan vs Sreejitha

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Court : Kerala

Decided On : Jul-29-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/4793/2022

Appellant : JAYAN

Respondent : Sreejitha

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. 4793 OF 2022 CRIME NO.113/2016 OF Meppayur Police Station, Kozhikode CC 305/2016 OF JUDICIAL MAGISTRATE OF FIRST CLASS, PAYYOLI PETITIONERS/ACCUSED NO.1 & 2: 1 JAYAN, AGED 49 YEARS,S/O NARAYANAN, 2 NARAYANAN, AGED 86 YEARS,S/O CHEKKOTTY, BY ADVS. SANTHARAM.P REKHA ARAVIND P.G.GOKULNATH RESPONDENTS/DE FACTO COMPLAINANT & STATE: 1 SREEJITHA, AGED 42 YEARS,D/O SREEDHARAN, 2 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 BY ADV ANOOP JOSEPH, 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 Final Report in Crime No. 113/2016 of Meppayur Police Station now pending as CC No. 305/2016 on the Judicial First Class Magistrate Court, Payyoli on the ground of settlement between the parties.

2. The petitioners are the accused No. 1 & 2. The 1st respondent is de facto complainant.

3. The offences alleged against the petitioners are punishable under Sections 406 and 498 (A) of IPC.

4. The respondent No.1 entered appearance through counsel. An affidavit sworn in by her is also produced.

5. I have heard Sri. Santharam P, the learned counsel for the petitioners, Sri. Anoop Joseph, the learned counsel for the respondent No.1 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.1 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 Final Report in Crime No. 113/2016 of Meppayur Police Station now pending as CC No. 305/2016 on the Judicial First Class Magistrate Court,, Payyoli hereby stands quashed.

sd/- DR. KAUSER EDAPPAGATH JUDGE kp -:5:- APPENDIX OF CRL.MC 4793/2022 PETITIONER ANNEXURES Annexure1 CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 113 OF 2016 OF MEPAYUR POLICE Annexure2 CERTIFIED COPY OF THE MEMORANDUM OF WITNESS IN CRIME NO.113/2016 OF MEPPAYUR POLICE Annexure3 NOTARISED AFFIDAVIT SWORN TO BY THE 1ST RESPONDENT DATED 14/07/2022

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