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Satheesh Kumar vs State of Kerala

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Court : Kerala

Decided On : Oct-28-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/5110/2022

Appellant : Satheesh Kumar

Respondent : State of Kerala

Judgement :

CRL.MC NO. 5110 OF 2022 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH FRIDAY, THE 28TH DAY OF OCTOBER 2022 / 6TH KARTHIKA, 1944 CRL.MC NO. 5110 OF 2022 CRIME NO.219/2022 OF Aryanad Police Station, Thiruvananthapuram PETITIONER/ACCUSED: SATHEESH KUMAR AGED 50 YEARS S/O.LAKSHMANAN, KATTIL HOUSE, THUNERI AMSOM, KOZHIKODE, PIN - 673505 BY ADV MITHUN P. RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 2 SHEELA AGED 48 YEARS W/O MANIKUTTAN, ROADARIGATH VEEDU, KANNIMELTHERI, CHAMBOTTAPARA,

VINOBHA NIKETHAN, NEDUMANGAD, THIRUVANANTHAPURAM, PIN - 695542 BY ADVS. R1 BY SRI.P.G.MANU-SR.PUBLIC PROSECUTOR R2 BY SMT.JAEONA JAMES THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 28.10.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CRL.MC NO. 5110 OF 2022 2

O R D E R

This Crl.M.C. has been preferred to quash Annexure A1 FIR in Crime No.219/2022 of Aryanad Police Station on the ground of settlement between the parties.

2. The petitioner is the accused. The 2nd respondent is the de facto complainant.

3. The offences alleged against the petitioner are punishable under Sections 447, 294(b), 354A(1)(iv) and 506 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.Mithun.P, the learned counsel for the petitioner, Smt.Jaeona James, the learned counsel for the respondent No.2 and Sri.P.G.Manu, the learned Senior Public Prosecutor.

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 CRL.MC NO. 5110 OF 2022 3 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 CRL.MC NO. 5110 OF 2022 4

quashing the proceedings pursuant to Annexure A1 FIR. The offence 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 Crl.M.C. is allowed. Annexure A1 FIR in Crime No.219/2022 of Aryanad Police Station hereby stands quashed.

Sd/- DR. KAUSER EDAPPAGATH JUDGE ab CRL.MC NO. 5110 OF 2022 5 APPENDIX OF CRL.MC 5110/2022 PETITIONER ANNEXURES Annexure A1 COPY OF THE FIRST INFORMATION REPORT IN CRIME NO. 219/2022 OF ARYANAD POLICE STATION Annexure A2 ORIGINAL OF THE AFFIDAVIT DATED 06.07.2022, SOLEMNLY AFFIRMED BY THE 2ND RESPONDENT RESPONDENTS ANNEXURES: NIL

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