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**Berlin Babu vs State of Kerala**

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**SooperKanoon Citation** : sooperkanoon.com/1542239

**Court** : Kerala

**Decided On :** Feb-22-2022

**Judge** : Honourable Dr. Justice Kauser Edappagath

**Appeal No.** : Crl.MC/5613/2021

**Appellant** : Berlin Babu

**Respondent** : State of Kerala

**Judgement** :

CRL.MC NO. 5613 OF 2021 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH TUESDAY, THE 22ND DAY OF FEBRUARY 2022 / 3RD PHALGUNA, 1943 CRL.MC NO. 5613 OF 2021 CRIME NO.1753/2021 OF Adoor Police Station, Pathanamthitta PETITIONERS:

1 BERLIN BABU, AGED 38 YEARS S/O BABU DANIEL, WHITE MANSHAN VEEDU, ADOOR, PERINGANAD, PATHANAMTHITTA . 2 BABU DANIEL, AGED 61 YEARS WHITE MANSHAN VEEDU, ADOOR, PERINGANAD, PATHANAMTHITTA. 3 BROBIN BABU, AGED 36 YEARS S/O BABU DANIEL, WHITE MANSHAN VEEDU, ADOOR,

PERINGANAD, PATHANAMTHITTA. BY ADVS. SUMAN CHAKRAVARTHY K.R.RIJA

RESPONDENTS/STATE: 1 STATE OF KERALA REPRESENTED BY ITS PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. 2 LISSA MARIAM JOSE, AGED 25 YEARS D/O FR. A JOSE ISSAC, RESIDING AT AMMIPALLI MALIYIL HOUSE, KEEZHILLAM P.O, RAYAMAGALAM, ERNAKULAM DISTRICT-683541 R1 BY SMT.T.V.NEEMA - SR.PUBLIC PROSECUTOR R2 BY ADV SHAJIN S.HAMEED THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 22.02.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CRL.MC NO. 5613 OF 2021 2

**O R D E R**

This Crl.M.C. has been preferred to quash Annexure A FIR in Crime No.1753/2021 of Adoor Police Station 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 under Section 498A r/w 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.Suman Chakravarthy, the learned counsel for the petitioners, Sri.Shajin S.Hameed, the learned counsel for the respondent No.2 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.2 would show that the entire CRL.MC NO. 5613 OF 2021 3 dispute between the parties has been amicably settled and the de facto complainant has decided not to proceed with the crime 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 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

CRL.MC NO. 5613 OF 2021 4 nature. No public interest or harmony will be adversely affected by quashing the proceedings pursuant to Annexure A FIR. The offence in question 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 further. Accordingly, the Crl.M.C. is allowed. Annexure A FIR in Crime No.1753/2021 of Adoor Police Station stands hereby quashed. Sd/- DR. KAUSER EDAPPAGATH JUDGE ab CRL.MC NO. 5613 OF 2021 5 APPENDIX OF CRL.MC 5613/2021 PETITIONER ANNEXURES Annexure A1 CERTIFIED COPY OF FIR IN CRIME NO.1753/21 OF ADOOR PS. Annexure A2 ORIGINAL AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT. RESPONDENTS ANNEXURES : NIL

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