

Sidharth vs State of Kerala

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Court : Kerala

Decided On : Jan-24-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/6050/2021

Appellant : Sidharth

Respondent : State of Kerala

Judgement :

CRL.MC NO. 6050 OF 2021 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
MONDAY, THE 24TH DAY OF JANUARY 2022 / 4TH MAGHA, 1943 CRL.MC
NO. 6050 OF 2021 IN CP 44/2019 OF JUDICIAL MAGISTRATE OF FIRST
CLASS ,PERAMBRA CRIME NO.673/2018 OF PERAMBRA POLICE STATION
PETITIONERS/ACCUSED:

1 SIDHARTH, AGED 26 YEARS S/O. SUKUMARAN, VAVATTUVAYA
(H), KALLODE, PERAMBRA P.O., KOZHIKODE (DISTRICT), PIN-673
525. 2 NISHAD @ CHINNAN, AGED 34 YEARS, S/O. KUNJABDULLA,
KUNDUNGAL (H), CHENOLI P.O., KOZHIKODE (DISTRICT), PIN 673

525. 3 ARJUN DAMODARAN, AGED 30 YEARS, S/O. DAMODARAN, KARAPARAMBATHU (H), KALLODE, 4 ATHUL ASOK, AGED 27 YEARS S/O. ASOK, PADINJARATHU (H), KALLODE, PERAMBRA P.O., KOZHIKODE, PIN-673 525.

BY ADVS. C.K.PRASAD K.T.DIVYAMOL RESPONDENTS/STATE: 1 STATE OF KERALA REPRESENTED BY SHO PERAMBRA POLICE STATION THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA. 2 KUNHIRAMAN, AGED 64 YEARS S/O. KUNHIRAMUNNI, KUNNATHUKUNHI (H), KAIPRAM, 3 VIJITHA, AGED 53 YEARS W/O. KUNHIRAMAN, KUNNATHUKUNHI (H), KAIPRAM, CRL.MC NO. 6050 OF 2021 2 4 PRANAVU, AGED 24 YEARS S/O. KUNHIRAMAN, KUNNATHUKUNHI (H), KAIPRAM, BY ADV K.PRAMODAN SRI M P PRASANTH-PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.01.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CRL.MC NO. 6050 OF 2021 3

ORDER

This Crl.M.C. has been preferred to quash Annexure 1 Final Report in Crime No.673/2018 of Perambra Police Station on the ground of settlement between the parties.

2. The petitioners are the accused. The 2nd respondent is the de facto complainant and respondent Nos.3 and 4 are the injured.

3. The offences alleged against the petitioners are under Sections 143, 147, 148, 452, 323, 324, 427, 506(ii), 308 r/w 149 of IPC.

4. The respondent Nos.2 to 4 entered appearance through counsel. The affidavits sworn in by them are also produced.

5. I have heard Sri.Prasad, C.K, the learned counsel for

the petitioners, Sri.K.Pramodan, the learned counsel for the respondent Nos.2 to 4 and Sri.M.P.Prasanth, the learned Public CRL.MC NO. 6050 OF 2021 4 Prosecutor.

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

sworn in by the respondent No.2 to 4 would show that the entire dispute between the parties has been amicably settled and the de facto complainant and injured have 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 he 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 CRL.MC NO. 6050 OF 2021 5 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 1. The offences 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 further. Accordingly, the Crl.M.C. is allowed. Annexure 1 Final Report in Crime No.673/2018 of Perambra Police Station stands hereby quashed. Sd/- DR. KAUSER EDAPPAGATH ab JUDGE CRL.MC NO. 6050 OF 2021 6 APPENDIX OF CRL.MC 6050/2021 PETITIONER ANNEXURES Annexure I CERTIFIED COPY OF THE FINAL REPORT

DATED 30.3.2019 IN CRIME NO.673/2018 OF PERAMBRA POLICE STATION
FILED BEFORE THE JFCM COURT-1 PERAMBRA.

Annexure 2 CERTIFIED COPY OF THE FIR IN CRIME NO.673/2018 OF
PERAMBRA POLICE STATION DATED 19.11.2018. Annexure 3 NOTARISED
AFFIDAVIT DATED 9.11.2021 EXECUTED BY THE 2ND RESPONDENT.
Annexure 4 NOTARISED AFFIDAVIT DATED 9.11.2021 EXECUTED BY THE
3RD RESPONDENT. Annexure 5 NOTARISED AFFIDAVIT DATED 9.11.2021
EXECUTED BY THE 4TH RESPONDENT. RESPONDENTS ANNEXURES : NIL

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