

Shinas vs State of Kerala

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Court : Kerala

Decided On : Oct-31-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/7366/2022

Appellant : Shinas

Respondent : State of Kerala

Judgement :

-:1:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
MONDAY, THE 31ST DAY OF OCTOBER 2022 / 9TH KARTHIKA, 1944 CRL.MC
NO. 7366 OF 2022 AGAINST IN C.C.NO.1142 OF 2019 ON THE FILE OF THE
JUDICIAL FIRST CLASS MAGISTRATE COURT, THALIPARAMBA ARISING
OUT OF CRIME NO.1327 OF 2018 OF THALIPARAMBA POLICE STATION,
KANNUR. PETITIONERS/ACCUSED:

1 SHINAS, AGED 32 YEARS, S/O. ABDUL SALAM, 2 ABDUL SALAM,
AGED 57 YEARS, S/O. SAID MUHAMMED, 3 SEENATH, AGED 42
YEARS, D/O. ABDUL SALAM, 4 SHIBINA, AGED 32 YEARS, D/O

ABDUL SALAM, -:2:- 5 SHIHAB, AGED 27 YEARS, S/O. ABDUL SALAM, 6 SHIYANA, AGED 25 YEARS, D/O. ABDUL SALAM, BY ADVS. M.MUHAMMED SHAFI T.RASINI AYISHA AFRIN A.V.K.

RESPONDENTS/STATE & DEFACTO COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN-682 031. 2 RAHMATH M.P., AGED 29 YEARS, D/O HASSAN, MULLAPPALI PARAMBIL HOUSE, MADAKKAD, CHAPPARAPPADAVU P.O., KANNUR DISTRICT, PIN-670 581. BY ADV. MUHAMMED GAZALI VALIYAKATH MOOTHEDATH THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31.10.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -:3:-

ORDER

Dated this the 31st day of October, 2022 This Crl.M.C. has been preferred to quash Annexure A1 Final Report in C.C.No.1142/2019 on the file of the Judicial First Class Magistrate Court, Thalipparamba on the ground of settlement between the parties.

2. The petitioners are the accused Nos. 1 to 6. The 2 nd respondent is the defacto complainant.

3. The offence alleged against the petitioners are punishable under Sections 498A read with 34 of IPC.

4. An affidavit sworn in by the 2 nd respondent is produced.

5. 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 complainant has decided not to proceed with the criminal proceedings further. 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.

6. 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.

7. 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 A1. 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 any further. -:5:- Accordingly, the CrI.M.C. is allowed. Annexure A1 Final Report in C.C.No.1142/2019 on the file of the Judicial First Class Magistrate Court, Thalipparamba hereby stands quashed. Sd/- DR. KAUSER EDAPPAGATH JUDGE bpr -:6:- APPENDIX PETITIONERS' ANNEXURES ANNEXURE1 CERTIFIED COPY OF THE FINAL REPORT ALONG WITH COMPLAINT IN CRIME NO. 1327 OF 2018 OF THALIPPARAMBA POLICE STATION, KANNUR. ANNEXURE A2 THE AFFIDAVIT DATED 24-09-2022 SWORN BY THE 2ND RESPONDENT.