

Sheel vs State of Kerala

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Court : Kerala

Decided On : Feb-09-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/6730/2021

Appellant : SHEEL

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
WEDNESDAY, THE 9TH DAY OF FEBRUARY 2022/ 20TH MAGHA, 1943
CRL.MC NO. 6730 OF 2021 CC 991/2015 OF JUDICIAL MAGISTRATE OF
FIRST CLASS -II, KOLLAM Crime No.1344/2014 of Sakthikulangara Police
Station PETITIONERS/ACCUSED 1 & 2: 1 SHEEL AGED 27 YEARS S/O.
CLEETUS, CM COTTAGE, KANNIMEL CHERI, SAKTHIKULANGARA VILLAGE,
KOLLAM DISTRICT - 691003 (1ST ACCUSED) 2 DOMINIC @ DOMI AGED 25
YEARS S/O. PETER, JOSE BHAVANAM, KANNIMEL CHERI,
SAKTHIKULANGARA VILLAGE, KOLLAM DISTRICT - 691003 (2ND ACCUSED).
BY ADV B.SIBI RESPONDENTS/STATE & COMPLAINANT:

1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682031. 2 THE STATION HOUSE OFFICER, SAKTHIKULANGARA POLICE STATION, KOLLAM DISTRICT - 691003. 3 VIDHU FRANCIS AGED 31 YEARS D/O. VIJAYAKUMARI, PARASSERI THEKKATHIL, DESASEVINI NAGAR, KANNIMEL CHERI, SAKTHIKULANGARA VILLAGE, KOLLAM DISTRICT, PIN - 691003.

..2.. 4 FRANCIS @ PONNU AGED 39 YEARS S/O. GRIGARI, PARASSERI THEKKATHIL, DESASEVINI NAGAR, KANNIMEL CHERI, SAKTHIKULANGARA VILLAGE, KOLLAM DISTRICT, PIN - 691003. R3 & R4 BY ADV C.R.JAYAKUMAR R1 & R2 BY SRI M P PRASANTH-PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 09.02.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: ..3..

ORDER

This Crl.M.C. has been preferred to quash Annexure A2 Final Report in Crime No.1344/2014 of Sakthikulangara Police Station on the ground of settlement between the parties.

2. The petitioners are the accused Nos.1 and 2. The 3 rd respondent is the de facto complainant. The 4th respondent is the injured.

3. The offences alleged against the petitioners are under Sections 447, 294(b), 324 and 34 of the IPC.

4. The respondent Nos.3 and 4 entered appearance through counsel. Affidavits sworn in by them are also produced.

5. I have heard Sri.B.Sibi, the learned counsel for the

petitioners, Sri.C.R.Jayakumar, the learned counsel for the respondent Nos.3 and 4 and Sri.M.P.Prasanth, the learned Public Prosecutor for the respondent Nos.1 and 2.

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

affidavits sworn in by the respondent Nos.3 and 4 would show that the entire dispute between the parties has been amicably ..4.. 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

nature. No public interest or harmony will be adversely affected by quashing the proceedings pursuant to Annexure A2 ..5.. Final Report in Crime No.1344/2014 of Sakthikulangara Police Station. 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 A2 Final Report in Crime No.1344/2014 of Sakthikulangara Police Station stands hereby quashed. Sd/- DR.KAUSER EDAPPAGATH, JUDGE skj ..6.. APPENDIX OF CRL.MC 6730/2021 PETITIONERS' ANNEXURES Annexure A1 CERTIFIED COPY OF THE FIR NO. STATION, KOLLAM. Annexure A2 CERTIFIED COPY OF THE FINAL REPORT IN

FIR NO. 1344/2014 OF SAKTHIKULANGARA POLICE STATION, KOLLAM
NUMBERED AS CC NO. 991/2015 ON THE FILES OF THE JUDICIAL 1ST
CALLS MAGISTRATE COURT- II, KOLLAM. Annexure A3 THE AFFIDAVIT
PREPARED BY THE 3RD RESPONDENT DATED 18.12.2021. Annexure A4 THE
AFFIDAVIT PREPARED BY THE 4TH RESPONDENT DATED 18.12.2021.

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