

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

MONDAY, THE 28TH DAY OF FEBRUARY 2022/9TH PHALGUNA, 1943

CRL.MC NO. 5092 OF 2021

Crime No.1625 of 2021 of Vizhinjam Police Station

PETITIONER/ACCUSED No.1:

AKHIL A
AGED 23 YEARS
S/O ANIL, KARICALATHOTTAM VEEDU, NETTATHANI,
KOTTUKAL.P.O,
KOTTUKAL VILLAGE, THIRUVANANTHAPURAM,
PIN-695501.

BY ADV BIJU HARIHARAN

RESPONDENTS/STATE & COMPLAINANT:

1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA-682031.

2 STATION HOUSE OFFICER
VIZHINJAM POLICE STATION,
THIRUVANANTHAPURAM, PIN-695521

3 NADIYA SHIBU
AGED 21 YEARS
D/O SWAPNAMOL,
RESIDING AT EDIMANNICKAL,
KANNAMPALLY, ATHIKAYAM,
NARANAMOOZHY,
PATHANAMTHITTA DISTRICT-689711.

*ADDL.R4 ANIL KUMAR
KARICALATHOTTAM VEEDU, NETTATHANNI, KOTTUKAL
P.O, KOTTUKAL VILLAGE, THIRUVANANTHAPURAM PIN-
695501.

Crl.M.C.No.5092 of 2021

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*ADDL.R5 ANITHA

W/O. ANIL KUMAR, KARICALATHOTTAM VEEDU,
NETTATHANNI, KOTTUKAL P.O, KOTTUKAL VILLAGE,
THIRUVANANTHAPURAM PIN-695501.

* ADDL.R4 & R5 IMPEADED AS PER ORDER DTD.28.2.22 IN
CRL.M.A.2/2022.

R1 & R2 BY SRI M P PRASANTH- Public Prosecutor
R3 BY SMT.ANITHA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 28.02.2022, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:

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ORDER

This Crl.M.C. has been preferred to quash Annexure A FIR in Crime No.1625 of 2021 of Vizhinjam Police Station dated 23.7.2021 on the ground of settlement between the parties.

2. The petitioner is the accused No.1. The additional respondent Nos.4 and 5 are the accused Nos.2 and 3. The 3rd respondent is the de facto complainant.

3. The offences alleged against the petitioner are under Sections 294(b), 323, 498A and 34 of the IPC.

4. The respondent No.3 entered appearance through counsel. An affidavit sworn in by her is also produced.

5. I have heard Sri.Biju Hariharan, the learned counsel for the petitioner, Smt.Anitha, the learned counsel for the respondent No.3 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 affidavit sworn in by the respondent No.3 would show that the entire dispute between the parties has been amicably settled and the *de facto* complainant has decided not to proceed with

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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 A FIR in Crime No.1625 of 2021 of Vizhinjam Police Station dated

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23.7.2021. 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 A FIR in Crime No.1625 of 2021 of Vizhinjam Police Station dated 23.7.2021 stands hereby quashed.

Sd/-

**DR.KAUSER EDAPPAGATH,
JUDGE**

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APPENDIX OF CRL.MC 5092/2021

PETITIONER'S ANNEXURES

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| Annexure A | THE CERTIFIED COPY OF THE FIR IN CRIME
NO.1625/2021, DATED 23/07/2021, OF
VIZHINJAM POLICE STATION,
THIRUVANANTHAPURAM. |
| Annexure B | THE TRUE COPY OF THE COMPROMISE
PETITION DATED 02.10.2021 SIGNED BY
THE PARTIES IN THE OP(DIVORCE)
2191/2021. |
| Annexure C | THE AFFIDAVIT BY THE 3RD RESPONDENT
DATED 02.10.2021. |