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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. 7177 OF 2022

TO QUASH THE FIR IN CRIME NO.226/2022 OF KALIKAVU POLICE STATION OF MALAPPURAM DISTRICT, FINAL REPORT AND ALL FURTHER PROCEEDINGS IN C.C.NO.706/2022 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, MANJERI, MALAPPURAM DISTRICT.

PETITIONERS/ACCUSED NOS.1 TO 4:

- 1 JAMALUDHEEN,
AGED 52 YEARS, S/O. MUHAMMED,
PULATH HOUSE,
PEVUMTHARA, KALIKAVU,
MALAPPURAM DISTRICT, PIN-676 525.
- 2 SAINABA,
AGED 65 YEARS, D/O. MUHAMMED,
PULATH HOUSE,
PEVUMTHARA, AMBALAKKADAVU, KALIKAVU,
MALAPPURAM DISTRICT, PIN-676 525.
- 3 ABDUL GAFOOR,
AGED 60 YEARS, S/O. KUNHI MUHAMMED,
PULATH HOUSE,
PEVUMTHARA, AMBALAKKADAVU, KALIKAVU,
MALAPPURAM DISTRICT, PIN-676 525.
- 4 ASAINAR,
AGED 52 YEARS, S/O. KUNHI MUHAMMED,
PULATH HOUSE,
PEVUMTHARA, AMBALAKKADAVU, KALIKAVU,
MALAPPURAM DISTRICT, PIN-676 525.

BY ADV. K. DILIP

RESPONDENTS/COMPLAINANT AND STATE OF KERALA:

- 1 SHAJITHA,
 AGED 45 YEARS, D/O. MAMMUTTY,
 KANNANGADAN (H) ,
 PEVUMTHARA, AMBALAKKADAVU, KALIKAVU,
 MALAPPURAM DISTRICT, PIN-676 525.

- 2 THE STATE OF KERALA
 REPRESENTED BY THE PUBLIC PROSECUTOR,
 HIGH COURT OF KERALA AT ERNAKULAM,
 PIN-682 031.

BY ADV. SURAJ S.

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 Cr1.M.C. has been preferred to quash Annexure 2 Final Report in Crime No.226/2022 of Kalikavu Police Station now pending as C.C.No.706/2022 on the file of the Judicial First Class Magistrate Court-I, Manjeri on the ground of settlement between the parties.

2. The petitioners are the accused Nos. 1 to 4. The 1st respondent is the defacto complainant.

3. The offences alleged against the petitioners are punishable under Sections 498A, 406 read with 34 of IPC.

4. An affidavit sworn in by the 1st respondent is produced.

5. The averments in the petition as well as the affidavit sworn in by the respondent No.1 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 2. 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

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purpose will be served in proceeding with the matter any further. Accordingly, the CrI.M.C. is allowed. Annexure 2 Final Report in Crime No.226/2022 of Kalikavu Police Station now pending as C.C.No.706/2022 on the file of the Judicial First Class Magistrate Court-I, Manjeri hereby stands quashed.

Sd/-

DR. KAUSER EDAPPAGATH

JUDGE

bpr

APPENDIX

PETITIONERS' ANNEXURES

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| ANNEXURE1 | A CERTIFIED COPY OF THE FIR IN CRIME NO.226/2022 OF KALIKAVU POLICE STATION DATED 05/06/2022. |
| ANNEXURE2 | A CERTIFIED COPY OF THE FINAL REPORT FILED IN C.C.NO.706/2022 ON THE FILE OF THE JFCM, MANJERI IN CRIME NO. 226/2022 OF KALIKAVU POLICE STATION DATED 22/06/2022. |
| ANNEXURE3 | A TRUE COPY OF THE AWARD PASSED BY THE LOK ADALAT, MANJERI DATED 26/06/2022. |
| ANNEXURE4 | A TRUE COPY OF THE AGREEMENT EXECUTED BETWEEN THE PARTIES DATED 31/08/2022. |
| ANNEXURE5 | A TRUE COPY OF THE AFFIDAVIT SWORN BY THE 1ST RESPONDENT DATED 01/09/2022. |