

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

WEDNESDAY, THE 30TH DAY OF NOVEMBER 2022 / 9TH AGRAHAYANA,
1944

CRL.MC NO. 8194 OF 2022

CRIME NO.546/2018 OF Mathilakom Police Station, Thrissur
CC 1244/2018 OF JUDICIAL MAGISTRATE OF FIRST CLASS,
KODUNGALLUR

PETITIONERS/ACCUSED NOS. 1 & 2:

- 1 SREEDEV, AGED 35 YEARS, SON OF DIVAKARAN,
PATHISSERY HOUSE, KOOLIMUTTAM BEACH DESOM,
KAIPAMANGALAM VILLAGE, THRISSUR, PIN - 680681
- 2 SUMATHI, AGED 68 YEARS, WIFE OF DIVAKARAN,
PATHISSERY HOUSE, KOOLIMUTTAM BEACH DESOM,
KAIPAMANGALAM VILLAGE, THRISSUR, PIN - 680681

BY ADV JITHIN BABU A

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

- 1 THE STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031
- 2 KRISHNANJALI, AGED 27 YEARS, DAUGHTER OF SAJEEVAN,
NEDIYIRIPANVEETIL, VALAPAD VILLAGE, CHAVAKAD
TALUK, KAZHIYAMPARAM P O, THRISSUR, PIN - 680568

BY ADV ARUN SAMUEL
SRI. P.G. MANU, SR. PP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30.11.2022, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

-:2:-

ORDER

Dated this the 30th day of November, 2022

This Cr1.M.C. has been preferred to quash Annexure A2 Final Report in C.C.No.1244/2018 on the file of the Judicial First Class Magistrate Court, Kodungallur on the ground of settlement between the parties.

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

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

4. The respondent No.2 entered appearance through counsel. An affidavit sworn in by her is also produced.

5. I have heard Sri. Jithin Babu A., the learned counsel for the petitioners, Sri. Arun Samuel, the learned counsel for the respondent No.2 and Sri. P.G. Manu, the learned Senior Public Prosecutor.

6. The averments in the petition as well as the affidavit sworn in by the respondent No.2 would show that the entire

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dispute between the parties has been amicably settled and the *de facto* complainant has decided not to proceed with the criminal proceedings 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 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.

8. The dispute in the above case is purely personal in nature. No public interest or harmony will be adversely affected

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by quashing the proceedings pursuant to Annexure A2. 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. Accordingly, the CrI.M.C. is allowed. Annexure A2 Final Report in C.C.No.1244/2018 on the file of the Judicial First Class Magistrate Court, Kodungallur hereby stands quashed.

Sd/-

DR. KAUSER EDAPPAGATH
JUDGE

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APPENDIX OF CRL.MC 8194/2022

PETITIONER ANNEXURES

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| Annexure A1 | A CERTIFIED COPY OF THE FIR DATED
02/08/2018 IN CRIME NO. 546/2018
REGISTERED AT MATHILAKAM POLICE STATION,
THRISSUR DISTRICT. |
| Annexure A2 | A CERTIFIED COPY OF THE FINAL REPORT
DATED 02/08/2018 LAID AGAINST THE
PETITIONERS IN C. C. NO. 1244/2018 ON
THE FILE OF THE HON'BLE JUDICIAL FIRST
CLASS MAGISTRATE'S COURT, KODUNGALLUR. |
| Annexure A3 | THE AFFIDAVIT DATED 23/09/2022 SWORN BY
THE 2ND RESPONDENT/DE-FACTO COMPLAINANT. |
| Annexure A4 | A TRUE COPY OF THE MEDIATION AGREEMENT
DATED 12/05/2022 ENTERED BETWEEN THE
FIRST PETITIONER AND SECOND RESPONDENT. |