

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

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

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CRL.MC NO. 8362 OF 2022

**CRIME NO.06/2021 OF Balussery Police Station, Kozhikode
C.C.NO.248/2021 ON THE FILE OF THE JUDICIAL FIRST CLASS
MAGISTRATE-II, PERAMBRA NOW TRANSFERRED TO JUDICIAL FIRST CLASS
MAGISTRATE COURT-I, THAMARASSERY AS C.C.NO.632/2022**

PETITIONERS/ACCUSED 1 TO 6:

- 1 NABEEL, AGED 41 YEARS, S/O PAKRAN
 KAITHOLLAPARAMBIL HOUSE
 MANJAKULAM, IRINGAT P.O,
 MEPPAYYUR, KOZHIKKODE DISTRICT, PIN - 673523
- 2 PAKRAN, AGED 71 YEARS
 KAITHOLLAPARAMBIL HOUSE
 MANJAKULAM, IRINGAT P.O
 MEPPAYYUR, KOZHIKKODE DISTRICT, PIN - 673523
- 3 NAFISA, AGED 62 YEARS
 KAITHOLLAPARAMBIL HOUSE
 MANJAKULAM, IRINGAT P.O,
 MEPPAYYUR, KOZHIKKODE DISTRICT, PIN - 67352
- 4 NABEELA BIWI, AGED 31 YEARS
 KAIPARAM KANDI HOUSE
 MULIYANGAL, CHENOLI P.O
 NOCHAD KOZHIKKODE DISTRICT, PIN - 673525
- 5 POKAR, AGED 66 YEARS, AAYANOTHU HOUSE
 MARUTHONKARA P.O
 KOZHIKKODE DISTRICT, PIN - 673508

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6 MOYYU, AGED 63 YEARS, MEYYAKANDI HOUSE
IRINGAT P.O KOZHIKKODE DISTRICT, PIN - 673523

BY ADV K.REEHA KHADER

RESPONDENTS/STATE/DEFACTO COMPLAINANT:

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

2 RASHEEDA, AGED 40 YEARS, D/O MAIMOONA
PAPPAD HOUSE THALAYAD P.O THAMARASSERY,
KOZHIKKODE, PIN - 673574

BY ADV P.K.SUBHASH

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:

ORDER

Dated this the 30th day of November, 2022

This Cr1.M.C. has been preferred to quash Annexure A1 Final Report in C.C.No.248/2021 on the file of the Judicial First Class Magistrate-II, Perambra now transferred to Judicial First Class Magistrate Court-I, Thamarassery as C.C.No.632/2022 on the ground of settlement between the parties.

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

3. The offences alleged against the petitioners are punishable under Sections 498A, 354 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. Reeha Khader, the learned counsel for the petitioners, Sri. P.K. Subhash, 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

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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 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

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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. Accordingly, the Cr1.M.C. is allowed. Annexure A1 Final Report in C.C.No.248/2021 on the file of the Judicial First Class Magistrate-II, Perambra now transferred to Judicial First Class Magistrate Court-I, Thamarassery as C.C.No.632/2022 hereby stands quashed.

Sd/-
DR. KAUSER EDAPPAGATH
JUDGE

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Cr1.M.C.No.8362/2022

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APPENDIX OF CRL.MC 8362/2022

PETITIONER ANNEXURES

Annexure A1	COPY OF FINAL REPORT IN CRIME NO.06/2021 OF BALUSSERY POLICE STATION
Annexure A2	COPY OF MEMORANDUM OF EVIDENCE IN CRIME NO. 06/2021
Annexure A3	AFFIDAVIT SWORN BY RESPONDENT