

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K. BABU

FRIDAY, THE 31<sup>ST</sup> DAY OF MARCH 2023 / 10TH CHAITHRA, 1945

CRL.MC NO. 658 OF 2023

CRIME NO.45/2023 OF IRINJALAKUDA POLICE STATION

PETITIONERS/ACCUSED NOS.1-3:

- 1 HARI SWAMI @ HARIDASAN,  
AGED 56 YEARS,  
S/O.CHATHU, PAPPULLY HOUSE, PERINJANAM VILLAGE,  
PERINJANAM P.O, THRISSUR DISTRICT., PIN - 680686
- 2 JISHA,  
AGED 41 YEARS,  
W/O JOSHY, MANAMPURACKAL HOUSE, KALLADA ROAD,  
THANISSERY P.O, MANAVALASSERY,  
THRISSUR DISTRICT., PIN - 680701
- 3 RAMA @ RAMADEVI T.K,  
AGED 53 YEARS,  
W/O VARUNNY K Y, KURISINGAL HOUSE, KIZHUTHANI,  
THANISSERY P.O, KARALAM, THRISSUR DISTRICT.,  
PIN - 680701  
BY ADV  
ANWIN JOHN ANTONY

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

- 1 STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM  
(REPRESENTING SHO, IRINJALAKUDA POLICE STATION),  
PIN - 682031
- 2 MARY,  
AGED 75 YEARS,  
W/O. JOSE, PULICKAN HOUSE, PORATHUSSERY DESOM,  
PORATHUSSERY VILLAGE, THRISSUR DISTRICT,  
PIN - 680125  
BY ADV  
SRI.GEORGIE JOHNY FOR R2  
SRI.G.SUDHEER, PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR  
ADMISSION ON 31.03.2023, THE COURT ON THE SAME DAY  
PASSED THE FOLLOWING:

**K.BABU, J.**

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Crl.M.C.No.658 of 2023  
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Dated this the 31<sup>st</sup> day of March, 2023

**ORDER**

The prayer in this Crl.M.C. is to quash Annexure-1 FIR in Crime No.45/2023 of Irinjalakuda Police Station, Thrissur and all further proceedings against the petitioners on the ground that the parties have arrived at a settlement in respect of the subject matter.

2. The petitioners are accused Nos.1 to 3.

3. The offences alleged against the petitioners are punishable under Sections 406, 420 and 34 of IPC.

4. Respondent No.2, the defacto complainant entered appearance through counsel. An affidavit sworn to by her has also been placed before the Court.

5. Heard both sides.

6. I have perused the averments in the petition and the affidavit sworn to by respondent No.2.

7. The learned Public Prosecutor, on instructions, submitted that the matter was enquired into through the Investigating Officer, who has taken the statement of the defacto complainant, and it is

reported that the dispute between the parties has been amicably settled. The material placed before the Court shows that the entire dispute between the parties has been amicably settled and the defacto complainant has decided not to proceed further. The settlement between the parties is found to be voluntary and fair. The settlement or the compromise satisfies the conscience of the Court. It is seen that the victim agreed to settle the matter with her free will.

8. 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 **State of Madhya Pradesh v. Lakshmi Narayan and Others [(2019) 5 SCC 688]** the Apex Court held that the High Court, invoking Section 482 of Cr.P.C., can quash criminal proceedings in relation to non-compoundable offences, where the parties have settled the matter between themselves notwithstanding the bar under Section 320 of Cr.P.C., if it is warranted in the given facts and circumstances of the case, to ensure ends of justice or to prevent abuse of the process of any Court.

9. In the instant case, the dispute is purely personal in nature.

There is nothing to show that public interest will be compromised by quashing the proceedings. The offences in question do not fall within the category of serious offences or heinous offences.

10. The offences in the present case do not fall within the category of offences prohibited for granting permission to compromise in terms of the pronouncement of the Apex Court in **Gian Singh (supra), Narinder Singh (supra) and Lakshmi Narayan (supra)**.

11. This Court is of the view that no purpose will be served in proceeding with the matter further.

Resultantly, the Crl.M.C is allowed. Annexure-1 FIR in Crime No.45/2023 of Irinjalakuda Police Station and all further proceedings pursuant to it stand hereby quashed.

Sd/-  
**K.BABU,**  
**JUDGE**

KAS

**APPENDIX OF CRL.MC 658/2023**

PETITIONER ANNEXURES

Annexure-1	TRUE COPY OF THE FIR IN CRIME NO.45 OF 2023 OF IRINJALAKUDA POLICE STATION
Annexure-2	TRUE COPY OF THE AFFIDAVIT DATED 22.01.2023 SWORN TO BY THE DE-FACTO COMPLAINANT/2ND RESPONDENT