

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K. BABU

TUESDAY, THE 28TH DAY OF FEBRUARY 2023 / 9TH PHALGUNA, 1944

CRL.MC NO. 7869 OF 2022

CRIME NO.1151/2019 OF Kareelakulangara Police Station, Alappuzha

AGAINST CC 686/2020 OF JUDICIAL MAGISTRATE OF FIRST CLASS ,

HARIPAD

PETITIONER/ACCUSED:

BIJOY MATHEW, AGED 34 YEARS
S/O. P.A. MATHEW, MAVILETHU THEKKATHIL,
EVOOR NORTH MURI, CHEPPAD VILLAGE,
ALAPPUZHA DISTRICT, PIN - 690507.

BY ADVS.

B.RENJITHKUMAR

CLARA SHERIN FRANCIS

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031
- 2 ANSU RAICHAL JOHN, AGED 32 YEARS
W/O. BIJOY MATHEW, LEO COTTAGE, PLAPPANA SOUTH MURI,
CLAPPANA VILLAGE, ALAPPUZHA DISTRICT, PIN - 690547

R1 BY SMT.M.K.PUSHPALATHA-PUBLIC PROSECUTOR

R2 BY ADV AJITHALAKSHMI SABU

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
28.02.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.BABU, J.

Crl.M.C.No.7869 of 2022

Dated this the 28th day of February, 2023

O R D E R

The prayer in this Crl.M.C. is to quash Annexure 1 FIR and Annexure 2 Final Report in Crime No.1151/2019 of Kareelakulangara Police Station on the ground that the parties have arrived at a settlement in respect of the subject matter.

2. The petitioner is the accused.
3. The offence alleged against the petitioner is punishable under Section 498-A 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 Sri.B.Renjithkumar, the learned counsel for the petitioner, Sri.Ajithalakshmi Sabu, the learned counsel for the 2nd respondent and the learned Public Prosecutor.

6. I have perused the averments in the petition and the affidavit sworn to by the 2nd respondent.

7. The learned Public Prosecutor, on instructions, submitted that the matter was enquired into through the Investigating Officer, who has taken 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 offence in question does not fall within the category of serious offences or heinous offences.

10. The offence in the present case does 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 and Annexure 2 Final Report in Crime No.1151/2019 of Kareelakulangara Police Station stand hereby quashed.

Sd/-
K.BABU,
JUDGE

ab

APPENDIX OF CRL.MC 7869/2022

PETITIONER ANNEXURES

Annexure-1	TRUE COPY OF THE FIR IN CRIME NO. 1151/2019 OF KAREELAKULANGARA POLICE STATION
Annexure-2	TRUE COPY OF THE FINAL REPORT IN CRIME NO. 1151/2019 OF KAREELAKULANGARA POLICE STATION
Annexure-3	TRUE COPY OF THE PETITION INOP (DIV) NO. 471/2022 IN FILE OF FAMILY COURT, MAVELIKKARA FILED BY THE PETITIONER AND 2ND RESPONDENT JOINTLY FOR DIVORCE
Annexure-4	TRUE COPY OF THE AFFIDAVIT SUBMITTED BY THE 2ND RESPONDENT

RESPONDENTS ANNEXURES: NIL