

---

**(2023) 01 KL CK 0042**

**In the High Court Of Kerala**

**Case No : Criminal Miscellaneous Petition No. 8892 Of 2022**

Abhinanth

APPELLANT

Vs

State Of Kerala

RESPONDENT

---

**Date of Decision : 05-01-2023**

**Acts Referred:**

Code of Criminal Procedure, 1973 — Section 320, 482  
Indian penal Code, 1860 — Section 34, 308, 324, 326, 447

**Citation : (2023) 01 KL CK 0042**

**Hon'ble Judges : Dr Kauser Edappagath, J**

**Bench : Single Bench**

**Advocate : K.V.Vinod, Paul Varghese Srambical, P.G.Manu, R.Aneesh**

**Final Decision : Disposed Of**

---

## **Judgement**

Dr Kauser Edappagath, J

1. This CrI.M.C. has been preferred to quash Annexure 2 Final Report in S.C.No.258/2017 on the file of the Additional Sessions Court, North Paravur on the ground of settlement between the parties.
2. The petitioners are the accused Nos.1 to 3. The 2nd respondent is the de facto complainant and the 3rd respondent is the injured.
3. The offences alleged against the petitioners are punishable under Sections 447, 324, 308, 326 and 34 of IPC.
4. The respondent Nos.2 and 3 entered appearance through counsel. The affidavits sworn in by them are also produced.
5. I have heard Sri.K.V.Vinod, the learned counsel for the petitioners, Sri.R.Aneesh, the learned counsel for the respondent Nos.2 and 3 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 Nos.2 and 3 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 he reported that the matter was amicably settled. However, the learned counsel for the petitioners submitted that the 1st and 2nd accused have strong criminal antecedents. It is specifically stated that the 1st accused is having eight cases against him and the 2nd accused is having six cases against him. Hence, the jurisdiction vested with this Court under Section 482 of Cr.P.C to quash the proceedings on the ground of settlement between the parties cannot be invoked as against accused Nos.1 and 2. Since there is no criminal antecedents against the 3rd accused, the case against him can be quashed. The dispute is purely personal in nature. No public interest or harmony will be adversely affected by quashing the proceedings against accused No.3.

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.

For the reasons stated above, I am of the view that no purpose will be served in proceeding with the matter any further as against accused No.3. Accordingly, all further proceedings pursuant to Annexure 2 Final Reort against accused No.3 alone stands hereby quashed. The CrI.M.C. is disposed of as above.