

(2022) 02 KL CK 0187

In the High Court Of Kerala

Case No : Criminal Miscellaneous Petition No. 260 Of 2022

Fayis N.T

APPELLANT

Vs

Shahna V.P.

RESPONDENT

Date of Decision : 21-02-2022

Acts Referred:

Code of Criminal Procedure, 1973 — Section 320, 482
Indian Penal Code, 1860 — Section 34, 323, 406, 498A

Citation : (2022) 02 KL CK 0187

Hon'ble Judges : Dr. Kauser Edappagath, J

Bench : Single Bench

Advocate : M.R.Reena, K.Sureshbabu, M.P. Prasanth

Final Decision : Allowed

Judgement

Dr Kauser Edappagath, J

1. This CrI.M.C. has been preferred to quash Annexure A2 Final Report in Crime No. 967/2020 of Nallalam Police Station and further proceedings in C.C.No.85/2021 on the files of the Special Judicial First Class Magistrate Court (Marad Cases), Kozhikode on the ground of settlement between the parties.

2. The petitioners are the accused. The 1st respondent is the defacto complainant.

3. The offences alleged against the petitioners are under Sections 323, 406, 498A read with Section 34 of IPC.

4. The respondent No.1 entered appearance through counsel. An affidavit sworn in by her is also produced.

5. I have heard Adv. M.R. Reena, the learned counsel for the petitioners, Sri. K. Suresh Babu, the learned counsel for the respondent No.1 and Sri.M.P. Prasanth, the learned Public Prosecutor.

6. The averments in the petition as well as the affidavit sworn in by the respondent No.1 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 crime 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 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 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 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 further. Accordingly, the CrI.M.C. is allowed. Annexure A2 Final Report in Crime No. 967/2020 of Nallalam Police Station and further proceedings in C.C.No.85/2021 on the files of the Special Judicial First Class Magistrate Court (Marad Cases), Kozhikode stands hereby quashed.