

(2022) 12 KL CK 0040

In the High Court Of Kerala

Case No : Criminal Miscellaneous Petitions No. 7419 Of 2022

Hubail A

APPELLANT

Vs

Muna Nasar

RESPONDENT

Date of Decision : 02-12-2022

Acts Referred:

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

Citation : (2022) 12 KL CK 0040

Hon'ble Judges : Dr. Kauser Edappagath, J

Bench : Single Bench

Advocate : Sohail Mohammed Ansary, Mili Grace Kurian, Ameena.R, T.V.Neema

Final Decision : Allowed

Judgement

Dr. Kauser Edappagath, J

1. This CrI.M.C. has been preferred to quash Annexure II Final Report in C.C.No.425/2022 on the file of the Judicial First Class Magistrate Court I, Haripad on the ground of settlement between the parties.
2. The petitioner is the accused. The 1st respondent is the de facto complainant and the 2nd respondent is the mother of the de facto complainant.
3. The offences alleged against the petitioner are punishable under Sections 498A and 323 r/w 34 of IPC.
4. The respondent Nos.1 and 2 entered appearance through counsel. The affidavits sworn in by them are also produced.
5. I have heard Sri.Sohail Mohammed Ansary, the learned counsel for the petitioner, Smt.Ameena R., the learned counsel for the respondent Nos.1 and 2 and Smt.T.V.Neema, the learned Senior Public Prosecutor.
6. The averments in the petition as well as the affidavits sworn in by the

respondent Nos.1 and 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 nature. No public interest or harmony will be adversely affected by quashing the proceedings pursuant to Annexure II Final Report. 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 CrI.M.C. is allowed. Annexure II Final Report in C.C.No.425/2022 on the file of the Judicial First Class Magistrate Court I, Haripad hereby stands quashed.