

(2022) 12 KL CK 0216

In the High Court Of Kerala

Case No : Criminal Miscellaneous Petition No. 8601 Of 2022

Shine Salvador Mathews

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 21-12-2022

Acts Referred:

Code of Criminal Procedure, 1973 — Section 320, 482
Indian Penal Code, 1860 — Section 294(b), 354A, 447, 506

Citation : (2022) 12 KL CK 0216

Hon'ble Judges : Dr. Kauser Edappagath, J

Bench : Single Bench

Advocate : R.Parthasarathy, Seema, Biji Mathew, Sangeetha Raj

Final Decision : Allowed

Judgement

Dr. Kauser Edappagath, J

1. This CrI.M.C. has been preferred to quash Annexure-A2 Final Report in C.C.No.187 of 2022 on the file of the Judicial First Class Magistrate Court-I, Ettumanoor on the ground of settlement between the parties.
2. The petitioner is the accused. The 2nd respondent is the de facto complainant.
3. The offences alleged against the petitioner are punishable under Sections 447, 294(b), 354-A and 506 of Indian Penal Code.
4. The 2nd respondent entered appearance through counsel. An affidavit sworn in by her is also produced.
5. I have heard Shri.R.Parthasarathy, the learned counsel for the petitioner, Shri.Biji Mathew, the learned counsel for the respondent No.2 and Sri.Sangeetha Raj, the learned Public Prosecutor.
6. The averments in the petition as well as the affidavit sworn in by the 2nd respondent 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-A2. The offences in question does 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-A2 Final Report in C.C.No.187 of 2022 on the file of the Judicial First Class Magistrate Court-I, Ettumanoor hereby stands quashed.