

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

TUESDAY, THE 22ND DAY OF MARCH 2022 / 1ST CHAITHRA, 1944

CRL.MC NO. 667 OF 2022

CRIME NO.1404/2021 OF Narakkal Police Station, Ernakulam

PETITIONERS/ACCUSED NOS.1 AND 2:

- 1 VINAYAN, AGED 40 YEARS,
S/O.DEVANAND,
H NO. 7/40 B (15/433), GANESH VIHAR,
NAYARAMBALAM P O,
ERNAKULAM, PIN-682509.
- 2 PRAMEELA DEVANAND, AGED 65 YEARS
W/O.LATE DEVANAND, H NO. 7/40 B (15/433),
GANESH VIHAR, NAYARAMBALAM P O,
ERNAKULAM, PIN-682509

BY ADVS.
P.N.ANOOP
P.S.NANDANAN
SANTHOSH PETER (MAMALAYIL)
M.S.SANDEEP SUDHAKARAN

RESPONDENTS:

- 1 STATE OF KERALA
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM, PIN - 682035
- 2 VEENA S, AGED 39 YEARS
H NO. 7/40 B (15/433), GANESH VIHAR,
NAYARAMBALAM P O, ERNAKULAM,
PIN-682509.
R1 BY SMT.T.V.NEEMA - SR.PUBLIC PROSECUTOR
R2 BY ADV P.ABDUL NISHAD

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
22.03.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

O R D E R

This Crl.M.C. has been preferred to quash Annexure 1 FIR in Crime No.1404/2021 of Narakkal Police Station on the ground of settlement between the parties.

2. The petitioners are the accused Nos.1 and 2. The 2nd respondent is the de facto complainant.

3. The offences alleged against the petitioners are under Sections 323 and 294(b) of IPC.

4. The respondent No.2 entered appearance through counsel. An affidavit sworn in by her is also produced.

5. I have heard Sri.P.N.Anoop, the learned counsel for the petitioners, Sri.P.Abdul Nishad, the learned counsel for the respondent No.2 and Smt.T.V.Neema, the learned Senior Public Prosecutor.

6. The averments in the petition as well as the affidavit sworn in by the respondent No.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 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 1 FIR. 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 Crl.M.C. is allowed. Annexure 1 FIR in Crime No.1404/2021 of Narakkal Police Station stands hereby quashed.

Sd/-

DR. KAUSER EDAPPAGATH

JUDGE

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APPENDIX OF CRL.MC 667/2022

PETITIONER ANNEXURES

Annexure1 FIR

Annexure2 AFFIDAVIT OF 2ND RESPONDENT

RESPONDENTS ANNEXURES : NIL