

# The State Of Kerala vs Hafsal Rahman N.K on 22 September, 2022

**Bench: Ajay Rastogi, B.V. Nagarathna**

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ITEM NO.7

COURT NO.9

SECTION II-B

S U P R E M E C O U R T O F  
RECORD OF PROCEEDINGS

I N D I A

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 24362/2021

(Arising out of impugned judgment and order dated  
CRLMC No. 5636/2019 passed by the High Court  
Ernakulam)

26-08-2019 i  
Of Kerala At

THE STATE OF KERALA & ANR.

PETITIONER(S)

VERSUS

HAFSAL RAHMAN N.K & ORS.

RESPONDENT(S)

(FOR ADMISSION and I.R. and IA No.153549/2021-CONDONATION OF DELAY  
IN FILING and IA No.153551/2021-EXEMPTION FROM FILING C/C OF THE  
IMPUGNED JUDGMENT )

WITH

SLP(CRL) NO. 280/2022 (II-B)  
(FOR ADMISSION and I.R. and IA No.167451/2021-CONDONATION OF DELAY  
IN FILING and IA No.167448/2021-EXEMPTION FROM FILING C/C OF THE  
IMPUGNED JUDGMENT)

Date : 22-09-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AJAY RASTOGI  
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s)

Mr. Harshad V. Hameed, AOR  
Mr. Dileep Poolakkot, Adv.  
Mrs. Ashly Harshad, Adv.

For Respondent(s)

Mr. Haris Beeran, Adv.  
Mr. Usman Ghani Khan, Adv.  
Mr. Azhar Assees, Adv.

Mr. Radha Shyam Jena, AOR

Signature Not Verified

Digitally signed by  
P00JA SHARMA

Mr. Mushtaq Salim, Adv.

Date: 2022.09.24

14:11:39 IST

Reason:

Ms. Pallavi Pratap, AOR

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UPON hearing the counsel the Court made the following  
O R D E R

Delay condoned.

The present petitions have been filed assailing the orders dated 26.08.2019 and 30.08.2019 passed in the proceedings initiated under Section 482 Cr.P.C on the premise that the parties have entered into a compromise and for the afore-stated reason the High Court has not examined on merits and quashed the proceedings in reference to FIR Nos. 399/2018 & 396/2018, dated 24.11.2018, registered at Police Station Malappuram, District Malappuram, Kerala.

The FIRs came to be registered for the offences punishable under Sections 9f, 10 of the POCSO Act, 2012 at the instance of the respondent no.2 and that came to be challenged invoking the jurisdiction of the High Court under Section 482 Cr.P.C. in Crl. MC. No. 5636 of 2019 (Crime No. 399/2018) and Crl.MC. No. 5576 of 2019 (Crime No. 396/2018) by the respondent no.1 after the compromise has been arrived at between the parties, as alleged.

Learned Counsel for the petitioners has informed that the charge-sheet has been filed on 29.04.2022.

After we have heard the learned Counsel for the parties, in our considered view, the manner in which the High Court has proceeded to quash the criminal proceedings on the premise of compromise as alleged cannot be countenanced by this Court.

Accordingly, the orders dated 26.08.2019 and 30.08.2019 are hereby quashed and set aside with the liberty to the respondent no.1 to avail the remedy as permissible under the law including under Section 482 Cr.P.C., if so advised.

The Special Leave Petitions stand disposed of in the above terms.

Pending application(s), if any, shall stand disposed of.

(P00JA SHARMA)

(MONIKA DEY)

COURT MASTER (SH)

COURT MASTER (NSH)