

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

THURSDAY, THE 27TH DAY OF OCTOBER 2022 / 5TH KARTHIKA, 1944

CRL.MC NO. 6652 OF 2022

CRIME NO.1021/2015 OF Venjaramoodu Police Station,
Thiruvananthapuram

CC 237/2019 OF JUDICIAL MAGISTRATE OF FIRST CLASS

-I,NEDUMANGAD

PETITIONER/ACCUSED:

ADIL A.
AGED 31 YEARS
S/O ABDUL RAHEEM,
RESIDING AT 'A.S. COTTAGE',
KALLUTHERY, KADAKKAL P.O.,
KOLLAM, PIN - 691536

BY ADV FAHEEM AHSAN.S

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA, PIN - 682031
- 2 STATION HOUSE OFFICER
VENJARAMOODU POLICE STATION,
THIRUVANANTHAPURAM-695607

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- 3 ASHNA
 AGED 30 YEARS
 D/O SAINUDHEEN,
 RESIDING AT KULANGARA VEEDU,
 KATTAKKAL, VEMBAYAM P.O.,
 MANIKKAL, THIRUVANANTHAPURAM
 PIN - 695043
- 4 HAFIS ABDUL MANAF
 AGED 36 YEARS
 S/O ABDUL MANAF,
 RESIDING AT KULANGARA VEEDU,
 KATTAKKAL, VEMBAYAM P.O.,
 MANIKKAL, THIRUVANANTHAPURAM, PIN - 695043
- BY ADV FAISAL KHAN A.S.
- SRI. P.G. MANU, SR. PP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 27.10.2022, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

ORDER

Dated this the 27th day of October, 2022

This Cr1.M.C. has been preferred to quash Annexure A2 Final Report in C.C.No.237/2019 on the file of the Judicial First Class Magistrate Court-I, Nedumangadu on the ground of settlement between the parties.

2. The petitioner is the accused. The 3rd respondent is the defacto-complainant and the 4th respondent is the witness.

3. The offences alleged against the petitioner are punishable under Sections 354, 354A(ii), 354D(i), 500, 506(i) of IPC, Sections 67 and 67A of the Information Technology Act.

4. The respondent Nos 3 and 4 entered appearance through counsel. Affidavits sworn in by them are also produced.

5. I have heard Sri. Faheem Ahsan S., the learned counsel for the petitioner, Sri. Faisal Khan A.S., the learned counsel for the respondent Nos. 3 and 4 and Sri. P.G. Manu, the learned Senior Public Prosecutor.

6. The averments in the petition as well as the affidavits

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sworn in by the respondent Nos. 3 and 4 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

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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 any further. Accordingly, the Cr1.M.C. is allowed. Annexure A2 Final Report in C.C.No.237/2019 on the file of the Judicial First Class Magistrate Court-I, Nedumangadu hereby stands quashed.

Sd/-

DR. KAUSER EDAPPAGATH
JUDGE

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APPENDIX OF CRL.MC 6652/2022

PETITIONER ANNEXURES

Annexure A1	CERTIFIED COPY OF FIR NO. 1021/2015 OF VENJARAMOODU POLICE STATION, THIRUVANANTHAPURAM ALONG WITH THE FIRST INFORMATION STATEMENT GIVEN BY THE 3RD RESPONDENT/DEFACTO-COMPLAINANT
Annexure A2	THE CERTIFIED COPY OF THE FINAL REPORT IN C.C. 237/2019
Annexure A3	THE AFFIDAVIT SWORN IN BY THE 3RD RESPONDENT/DEFACTO-COMPLAINANT
Annexure A4	THE AFFIDAVIT SWORN IN BY THE 4TH RESPONDENT/CW2