

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

THURSDAY, THE 22ND DAY OF SEPTEMBER 2022 / 31ST BHADRA, 1944

CRL.MC NO. 5709 OF 2022

CRIME NO.1304 OF 2021 OF KARUNAGAPPALLY POLICE STATION

PETITIONER/ACCUSED:

AJMAL SHA NAZEER, AGED 24 YEARS
RESIDING AT SHA MANZIL, NEAR PUTHAN CHANTHA
JUNCTION, VALATHUNGAL, ERAVIPURAM,
KOLLAM, PIN - 691018

BY ADVS.
P.PARVATHY
ELDHO.N.MONCY

RESPONDENT/STATE & DE FACTO COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031
- 2 SUB INSPECTOR OF POLICE, KARUNAGAPPALLY POLICE
STATION, KOLLAM CITY, KOLLAM, PIN - 690518
- 3 ADITHYA, AGED 19 YEARS, D/O SASIKALA, RESIDING AT
THAYYIL KIZHAKKATHIL, NAMBARUVIKALA MURI,
KARUNGAPALLY, KOLLAM, PIN - 690518

BY ADVS.
SMT T V NEEMA -SR PP
MANJU E.R.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
22.09.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:
PASSED THE FOLLOWING:

O R D E R

This Cr1.M.C. has been preferred to quash Annexure I FIR in Crime No.1304 of 2021 of Karungapally Police Station, Kollam on the ground of settlement between the parties.

2. The petitioner is the accused. The 3rd respondent is the de facto complainant.

3. The offences alleged against the petitioner are punishable under Sections 67A and 66C of the Information Technology Act, 2008 and Sections 419, 509 and 354-D of the Indian Penal Code.

4. The 3rd respondent entered appearance through counsel. An affidavit sworn in by her is also produced.

5. I have heard Smt.P.Parvathy, the learned counsel for the petitioner, Smt.Manju E.R, the learned counsel for the 3rd respondent 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 3rd 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 1. 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 Crl.M.C. is allowed. Annexure I FIR in Crime No.1304 of 2021 of Karungapally Police Station, Kollam hereby stands quashed.

Sd/-

DR.KAUSER EDAPPAGATH, JUDGE

AS

APPENDIX OF CRL.MC 5709/2022

PETITIONER'S ANNEXURES:

ANNEXURE I THE COPY OF FIR IN CRIME NO.1304 OF 2021
OF KARUNAGAPPALLY POLICE STATION, KOLLAM

ANNEXURE II THE COPY OF AFFIDAVIT OF THE 3RD
RESPONDENT.