

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

MONDAY, THE 14TH DAY OF NOVEMBER 2022 / 23RD KARTHIKA, 1944

CRL.MC NO. 7173 OF 2022

CRIME NO.51/2020 OF CYBER CRIME POLICE STATION,

THIRUVANANTHAPURAM

CC 231/2022 OF CHIEF JUDICIAL FIRST CLASS MAGISTRATE,

TRIVANDRUM

PETITIONER/SOLE ACCUSED:

KANNAN S.A, AGED 32, S/O. SASIDHARAN .V,
PUTHUVAL PUTHEN VEEDU, KAKKAMUKAL, KATTAKADA P.O,
VEERANAKAVU, THIRUVANANTHAPURAM DISTRICT. ,
PIN - 695572

BY ADVS.
RINU. S. ASWAN
S.SUDHEESH
GOPIKA H.H
PRASANTH S.S.
A.VISHNUKUMAR

RESPONDENTS/STATE & DE FACTO COMPLAINANT

1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031

2 XXXXXXXXXXXX
XXXXXXXXXXXX XXXXXXXXXXXX

BY ADV DHARUN P. ,
SMT.T.V.NEEMA, SR.P.P.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
14.11.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

O R D E R

This Crl.M.C. has been preferred to quash Annexure-3 Final Report in C.C.No.231 of 2022 on the files of the Chief Judicial First Class Magistrate Court, Thiruvananthapuram 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 is punishable under Sections 66C, 66E and 67 of the Information Technology Act.

4. The 2nd respondent entered appearance through counsel. An affidavit sworn in by her is also produced.

5. I have heard Sri.Rinu S. Aswan, the learned counsel for the petitioner, Sri.Dharun P., the learned counsel for the 2nd respondent and Smt.T.V.Neema, 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-3. 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-3 Final Report in C.C.No.231 of 2022 on the files of the Chief Judicial First Class Magistrate Court, Thiruvananthapuram hereby stands quashed.

Sd/-

DR.KAUSER EDAPPAGATH, JUDGE

AS

APPENDIX OF CRL.MC 7173/2022

PETITIONER'S ANNEXURES:

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| ANNEXURE 1 | A CERTIFIED COPY OF THE FIR IN
CR.NO.51/2020 OF THE CYBER CRIME POLICE
STATION DATED 06.09.2020 |
| ANNEXURE 2 | COPY OF THE ORDER IN CRL.M.C.NO.38/2022
DATED 24.01.2022 |
| ANNEXURE 3 | COPY OF THE FINAL REPORT DATED 25.07.2022 |
| ANNEXURE 4 | THE ORIGINAL AFFIDAVIT OF THE RESPONDENT
NO.2 DATED 19.09.2022 |