

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

THURSDAY, THE 3RD DAY OF NOVEMBER 2022 / 12TH KARTHIKA, 1944

CRL.MC NO. 7455 OF 2022

CRIME NO.910/2021 OF Kanjirappally Police Station, Kottayam

CC 53/2022 OF JUDICIAL MAGISTRATE OF FIRST CLASS

-I, KANJIRAPPALLY

PETITIONERS/ACCUSED NOS. 1 & 2:

- 1 GEO GEORGE
 AGED 21 YEARS
 S/O. GEORGE VARGHESE,
 VADASSERYL HOUSE, ERUMELY NORTH VILLAGE,
 MUNDAKAYAM P.O., VARIKKANI KAVALA BHAGOM
 KOTTAYAM, PIN - 686513

- 2 VARUN DUTH, AGED 19 YEARS
 S/O. SUNIL DUTH,
 THONDATHARA UJJAYANI HOUSE,
 VENMONY VILLAGE, VENMONY P.O.,
 ILLATHU MEPPURAM BHAGOM, ALAPPUZHA DISTRICT
 PIN - 689509

BY ADVS.LIJI.J.VADAKEDOM
M.J.SANTHOSH
REXY ELIZABETH THOMAS
TOM E. JACOB

RESPONDENTS/STATE, COMPLAINANT & CW1 TO 3:

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

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- 2 THE SUB INSPECTOR OF POLICE-KANJIRAPPALLY
KANJIRAPPALLY POLICE STATION,
KOTTAYAM PIN - 686507
- 3 AMALA SIBY
AGED 22 YEARS
D/O. SIBY, NELLOLAPOIKAYIL HOUSE, 26TH MILE,
PALAMPRA KARA, KANJIRAPPALLY VILLAGE,
KANJIRAPPALLY TALUK, KOTTAYAM DISTRICT, PIN -
686518
- 4 AYANA P. HASHIM
AGED 25 YEARS
D/O. P. A. HASHIM, PANACHIPARAMBIL HOUSE, 26TH
MILE, PARAKADAVU BHAGOM, KANJIRAPPALLY VILLAGE,
KOTTAYAM DISTRICT , PIN - 686507
- 5 ELSA JIJI
AGED 20 YEARS
JIJI KURIAN, VAYALIL KAROTTU HOUSE, 8TH MILE,
MYLATTUMPARA BHAGOM, ANAKKARA VILLAGE, IDUKKI
DISTRICT, PIN - 685512

BY SMT. T.V. NEEMA, SR. PUBLIC PROSECUTOR
D.KISHORE
MEERA GOPINATH (K/001803/1999.)
R.MURALEEKRISHNAN (MALAKKARA) (K/000583/2008)

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 03.11.2022, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

ORDER

Dated this the 3rd day of November, 2022

This Cr1.M.C. has been preferred to quash Annexure AI Final Report in Crime No.910/2021 of Kanjirappally Police Station now pending as C.C.No.53/2022 on the file of the Judicial First Class Magistrate Court-I, Kanjirappally on the ground of settlement between the parties.

2. The petitioners are the accused Nos. 1 and 2. The respondent Nos. 3 to 5 are the defacto complainants.

3. The offences alleged against the petitioners are punishable under Sections 34 of IPC, 67 of the Information Technology Act and 120(o) of the Kerala Police Act.

4. The respondent Nos. 3 to 5 entered appearance through counsel. Affidavits sworn in by them are also produced.

5. I have heard Sri. Liji J. Vadakkedom, the learned counsel for the petitioners, Sri. D. Kishore, the learned counsel for the respondent Nos. 3 to 5 and Smt. T.V. Neema, 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 to 5 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* complainants were also recorded wherein they 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 A1. 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 CrI.M.C. is allowed. Annexure A1 Final Report in Crime No.910/2021 of Kanjirappally Police Station now pending as C.C.No.53/2022 on the file of the Judicial First Class Magistrate Court-I, Kanjirappally hereby stands quashed.

SD/-

DR. KAUSER EDAPPAGATH

JUDGE

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APPENDIX OF CRL.MC 7455/2022

PETITIONER ANNEXURES

Annexure I	THE CERTIFIED COPY OF THE FIR AND FIS IN CR. NO. 910/2021 OF THE KANJIRAPPALLY POLICE STATION ALONG WITH THE PHOTOCOPY OF THE FINAL REPORT
Annexure II	THE AFFIDAVIT DATED 26.8.2022 EXECUTED BY THE 3RD RESPONDENT BEFORE THE NOTARY PUBLIC
Annexure III	THE AFFIDAVIT DATED 26.8.2022 EXECUTED BY THE 4TH RESPONDENT BEFORE THE NOTARY PUBLIC
Annexure IV	THE AFFIDAVIT DATED 26.8.2022 EXECUTED BY THE 5TH RESPONDENT BEFORE THE NOTARY PUBLIC