

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

FRIDAY, THE 25TH DAY OF NOVEMBER 2022 / 4TH AGRAHAYANA,

1944

CRL.MC NO. 7350 OF 2022

AGAINST THE CMP.NO.1036/2019 IN CC.NO.345/2019 OF CHIEF

JUDICIAL MAGISTRATE COURT, TRIVANDRUM

PETITIONER/ACCUSED:

SHERRY KOSHY PANICKER, AGED 38 YEARS
S/O. LATE K.K. KOSHY PANICKER,
KUZHIKKALAZHIKATHU VEEDU, VOLVO VILLA
IRUMPANANGADU P.O., KOLLAM DISTRICT 691 505.

BY ADVS.
LIJU.V.STEPHEN
INDU SUSAN JACOB

RESPONDENTS/STATE & DE FACTO COMPLAINANT:

1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.

2 ANN SUSAN LUKE
AGED 35 YEARS, D/O.MRS. SUSAN LUKOSE,
T.C.3/509, PUTHENVILA VEEDU,
GANDHISMARAKA NAGAR, MUTTADA P.O.,
THIRUVANANTHAPURAM 695 025.

BY ADVS.
R.SUNIL KUMAR
A.SALINI LAL(K/1486/1999),
SRI.P.G.MANU, SR.P.P.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 25.11.2022, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:

O R D E R

This Cr1.M.C. has been preferred to quash Annexure-A1 complaint in C.C.No.345 of 2019 on the files of the Chief Judicial 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 offence alleged against the petitioner is punishable under Section 67A 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.Liju.V.Stephen, the learned counsel for the petitioner, Sri.R.Sunil Kumar, the learned counsel for the 2nd respondent and Sri.P.G.Manu, the learned Senior 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 *de facto* complainant/2nd respondent is personally present before this Court and she submitted that the matter has been 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

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will be adversely affected by quashing the proceedings pursuant to Annexure-A1. The offence in question does 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-A1 complaint in C.C.No.345 of 2019 on the files of the Chief Judicial Magistrate Court, Thiruvananthapuram hereby stands quashed.

Sd/-

DR.KAUSER EDAPPAGATH, JUDGE

AS

APPENDIX OF CRL.MC 7350/2022

PETITIONER'S ANNEXURES:

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| ANNEXURE A1 | TRUE COPY OF THE C.M.P.NO.1036/2019
DATED 17-4-2019 IN C.C.NO. 345/2019 ON
THE FILES OF CHIEF JUDICIAL MAGISTRATE
COURT, THIRUVANANTHAPURAM |
| ANNEXURE A2 | TRUE COPY OF THE SETTLEMENT AGREEMENT
DATED 17/08/2022 ENTERED BETWEEN THE
2ND RESPONDENT AND PETITIONER |
| ANNEXURE A3 | ORIGINAL OF THE AFFIDAVIT SWORN AND
SIGNED BY THE 2ND RESPONDENT DATED
17-8-2022 |