

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

FRIDAY, THE 14TH DAY OF OCTOBER 2022 / 22ND ASWINA, 1944

CRL.MC NO. 5750 OF 2022

CRIME NO.1653/2013 OF Panangad Police Station, Ernakulam

CC 1182/2015 OF JMFC - VIII, ERNAKULAM (TEMPORARY)

PETITIONER/ACCUSED:

MUHAMMED FASAL, AGED 35 YEARS
S/O.UMMER HAJI, THAZHATHIL HOUSE, KALATHIPARAMBA,
OZHUKUR DESOM, MONGAM POST, MALAPPURAM DT,
PIN - 673642
BY ADVS.
T.K.AJITH KUMAR
HARITHA HARIDAS

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM, KOCHI., PIN - 682031
- 2 THE STATION HOUSE OFFICER
PANANGAD POLICE STATION, PANANGAD (PO),
ERNAKULAM DISTRICT., PIN - 682506
- 3 VISMAYA RAVEENDRAN, AGED 28 YEARS
D/O RAVEENDRAN, RESIDING AT CHENNAM HOUSE,
KUMBALAM NORTH, KUMBALAM VILLAGE, PANANGAD PO,
ERNAKULAM DT., PIN - 682506
- 4 RAVEENDARAN, AGED 64 YEARS
S/O PARAMESWARAN NAIR, RESIDING AT CHENNAM HOUSE,
KUMBALAM NORTH, KUMBALAM VILLAGE, PANANGAD PO,
ERNAKULAM DT., PIN - 682506
R1 & R2 BY SRI.G.SUDHEER – PUBLIC PROSECUTOR
R3 & R4 BY ADV AISWARYA RAMESAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
14.10.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

O R D E R

This CrI.M.C. has been preferred to quash Annexure 2 Final Report in Crime No.1653/2013 of Panangad Police Station on the ground of settlement between the parties.

2. The petitioner is the accused. The 3rd respondent is the victim and the 4th respondent is the de facto complainant.

3. The offences alleged against the petitioner are punishable under Sections 384 and 354D(i)(ii) of IPC and Sections 66(A), 66(D) and 66(E) of the Information Technology Act.

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

5. I have heard Sri.T.K.Ajith Kumar, the learned counsel for the petitioner, Smt.Aiswarya Ramesan, the learned counsel for the respondent Nos.3 and 4 and Sri.G.Sudheer, the learned Public Prosecutor.

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

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 he 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 2 Final Report. 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).

9. 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 2 Final Report in Crime No.1653/2013 of Panangad Police Station hereby stands quashed.

The learned Magistrate is directed to release item Nos.3 to 14 and 20 mentioned in Annexure 2 Final Report to the petitioner and item Nos.15 to 19 mentioned in Annexure 2 Final Report to the 4th respondent.

Sd/-

DR. KAUSER EDAPPAGATH
JUDGE

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APPENDIX OF CRL.MC 5750/2022

PETITIONER ANNEXURES

Annexure1	CERTIFIED COPY OF THE FIR AND COMPLAINT IN CRIME NUMBER 1653/2013 REGISTERED AT PANANGAD POLICE STATION.
Annexure2	CERTIFIED COPY OF THE FINAL REPORT IN CRIME NUMBER 1653/2013 REGISTERED AT PANANGAD POLICE STATION.
Annexure3	AFFIDAVIT EXECUTED BY 3RD RESPONDENT
Annexure4	AFFIDAVIT EXECUTED BY 4TH RESPONDENT.

RESPONDENTS ANNEXURES: NIL