

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

WEDNESDAY, THE 14TH DAY OF SEPTEMBER 2022 / 23RD BHADRA, 1944

CRL.MC NO. 5879 OF 2022

CRIME NO.571/2021 OF KATTOOR POLICE STATION

PETITIONERS/ACCUSED:

- 1 VISHNU P.P, AGED 27 YEARS
S/O.PUSHKARAN, PANAPARAMBIL HOUSE,
KARALAM DESOM, KARALAM VILLAGE,
THRISSUR DISTRICT, PIN - 680711
- 2 VAISHAK, AGED 30 YEARS
S/O VALSAN, CHANKARAMPURATH HOUSE,
KARALAM DESOM, KARALAM VILLAGE,
THRISSUR DISTRICT, PIN - 680711
BY ADV ABRAHAM MATHAN

RESPONDENTS:

- 1 JIJI, AGED 36 YEARS
W/O KARUNKUMAR, PUTHIYAMADATHIL THEKKEPADATH HOUSE,
KARALAM VILLAGE, KARALAM TALUK, MUKUNDAPURAM TALUK,
THRISSUR DISTRICT, PIN - 680711
- 2 VARSHA, AGED 31 YEARS
W/O RADHAKRISHNAN, EDATHEDATH HOUSE,
VALLISSERY DESOM,
PARAKULAM ROAD, AVINISSERY VILLAGE, THRISSUR TALUK,
THRISSUR DISTRICT, PIN - 680306
- 3 BINITHA, AGED 36 YEARS
W/O SUDHEESH, MUNDANATTU HOUSE, VENGINISSERY DESOM,
VENGINISSERY VILLAGE, THRISSUR TALUK,
THRISSUR DISTRICT, PIN - 680563
- 4 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031
R1 TO R3 BY ADV C.DHEERAJ RAJAN

R2 BY SMT T V NEEMA -SR PP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
14.09.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

O R D E R

This Crl.M.C. has been preferred to quash Annexure 2 Final Report in Crime No.571/2021 of Kattoor Police Station on the ground of settlement between the parties.

2. The petitioners are the accused Nos.1 and 2. The 1st respondent is the de facto complainant and 2nd and 3rd respondents are the charge witnesses.

3. The offences alleged against the petitioners are punishable under Section 66(c) of the Information Technology Act.

4. The respondent Nos.1 to 3 entered appearance through counsel. The affidavits sworn in by them are also produced.

5. I have heard Sri.Abraham Mathan, the learned counsel for the petitioners, Sri.C.Dheeraj Rajan, the learned counsel for the respondent Nos.1 to 3 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 respondent Nos.1 to 3 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 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).

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.571/2021 of Kattoor Police Station hereby stands quashed.

Sd/-

DR. KAUSER EDAPPAGATH
JUDGE

ab

APPENDIX OF CRL.MC 5879/2022**PETITIONER ANNEXURES**

Annexure1	CERTIFIED COPY OF FIR IN CRIME NO. 571 OF 2021 OF KATT00R POLICE STATION DATED 02.09.2019
Annexure2	CERTIFIED COPY OF THE FINAL REPORT DATED 26.08.2021 FILED IN CRIME NO. 571 OF 2021 OF KATT00R POLICE STATION
Annexure3	AFFIDAVIT FILED BY THE 1ST RESPONDENT DATED 01.06.2022
Annexure4	AFFIDAVIT FILED BY THE 2ND RESPONDENT DATED 21.06.2022
Annexure5	AFFIDAVIT FILED BY THE 3RD RESPONDENT DATED 08.08.2022

RESPONDENTS ANNEXURES: NIL