

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K. BABU

**MONDAY, THE 27TH DAY OF FEBRUARY 2023 / 8TH PHALGUNA,
1944**

CRL.MC NO. 1060 OF 2023

**AGAINST THE ORDER/JUDGMENTCC 615/2021 OF JUDICIAL FIRST
CLASS MAGISTRATE COURT, CHAVARA**

PETITIONER/S:

- 1 PRAVEEN V
AGED 31 YEARS
S/O HARIDASAN PAVITHRAM HOUSE KAIRALI NAGAR,
DPO ROAD MALAPPURAM PO, PIN - 676505
- 2 HARIDASAN VILLODI
AGED 66 YEARS
PAVITHRAM HOUSE KAIRALI NAGAR, DPO ROAD,
MALAPPURAM PO, PIN - 676505
- 3 INDIRA VP
AGED 58 YEARS
W/O HARIDASAN VILLODI PAVITHRAM HOUSE KAIRALI
NAGAR, DPO ROAD, MALAPPURAM PO, PIN - 676505
- 4 JIJI HARIDAS
AGED 33 YEARS
D/O HARIDASAN VILLODI, PAVITHRAM HOUSE KAIRALI
NAGAR, DPO ROAD, MALAPPURAM PO, PIN - 676505
BY ADV M.RAJESH

RESPONDENT/S:

- 1 STATE OF KERALA REPRESENTED BY THE PUBLIC
PROSECUTOR HIGH COURT OF KERALA
HIGH COURT OF KERALA ERNAKULAM, PIN - 682031
- 2 THE SUB INSPECTOR OF POLICE
CHAVARA POLICE STATION CHAVARA PO KOLLAM
DISTRICT, PIN - 691583
- 3 KALYANI VASANTH
AGED 31 YEARS
D/O VASANTH KUMAR PERUMANA VADAKKUMTHALA EAST

Crl M.C.No.1060 of 2023

..2..

PO, KARUNAGAPPALLY TALUK KOLLAM (DIST), PIN -
690536

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 27.02.2023, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:

K.BABU, J.

Crl.M.C.No.1060 of 2023

Dated this the 27th day of February, 2023

ORDER

The prayer in this Crl.M.C. is to quash all further proceedings in C.C.No.615 of 2021 on the file of the Judicial First Class Magistrate Court, Chavara, on the ground that the parties have arrived at a settlement in respect of the subject matter.

2. The petitioners are accused Nos. 1 to 4.

3. The offences alleged against the petitioners are punishable under Sections 323, 406, 420, 506 and 498A of the IPC.

4. Respondent No.3, the defacto complainant entered appearance through counsel. An affidavit sworn to by her has also been placed before the Court.

5. Heard M. Rajesh, the learned counsel for the petitioners, the learned counsel for respondent No.3 and

the learned Public Prosecutor.

6. I have perused the averments in the petition and the affidavit sworn to by respondent No.3.

7. The learned Public Prosecutor, on instructions, submitted that the matter was enquired into through the Investigating Officer, who has taken statement of the defacto complainant, and it is reported that the dispute between the parties has been amicably settled. The material placed before the Court shows that the entire dispute between the parties has been amicably settled and the defacto complainant has decided not to proceed further. The settlement between the parties is found to be voluntary and fair. The settlement or the compromise satisfies the conscience of the Court. It is seen that the victim agreed to settle the matter with her free will.

8. 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 **State of Madhya Pradesh v. Lakshmi Narayan and Others**

[(2019) 5 SCC 688] the Apex Court held that the High Court, invoking Section 482 of Cr.P.C., can quash criminal proceedings in relation to non-compoundable offences, where the parties have settled the matter between themselves notwithstanding the bar under Section 320 of Cr.P.C., if it is warranted in the given facts and circumstances of the case, to ensure ends of justice or to prevent abuse of the process of any Court.

9. In the instant case, the dispute is purely personal in nature. There is nothing to show that public interest will be compromised by quashing the proceedings. The offences in question do not fall within the category of serious offences or heinous offences.

10. The offences in the present case do not fall within the category of offences prohibited for granting permission to compromise in terms of the pronouncement of the Apex Court in **Gian Singh** (supra), **Narinder Singh** (supra) and **Lakshmi Narayan** (supra).

11. This Court is of the view that no purpose will be

served in proceeding with the matter further.

Resultantly, the Crl.M.C is allowed. All further proceedings in C.C.No.615 of 2021 on the file of the Judicial First Class Maigstrate Court, Chavara, stand hereby quashed.

Sd/-
K.BABU,
JUDGE

kkj

APPENDIX OF CRL.MC 1060/2023

PETITIONER ANNEXURES

Annexure1	THE CERTIFIED COPY OF THE PRIVATE COMPLAINT FILED BY THE 3RD RESPONDENT BEFORE THE HON'BLE JFMC, CHAVARA WHICH IS NOW PENDING ON THE FILES OF THE COURT AS CC NO. 615/2021
Annexure2	AN AFFIDAVIT SUBMITTED BY THE 3RD RESPONDENT DATED 01.02.2023