

**IN THE HIGH COURT OF KERALA AT ERNAKULAM****PRESENT****THE HONOURABLE MR.JUSTICE K. BABU****TUESDAY, THE 14<sup>TH</sup> DAY OF MARCH 2023 / 23RD PHALGUNA, 1944****CRL.MC NO. 1472 OF 2023****CRIME NO.267/2016 OF Perinthalmanna Police Station, Malappuram****AGAINST CC 517/2016 OF JUDICIAL MAGISTRATE OF FIRST CLASS -I,****PERINTHALMANNA****PETITIONER:**

MUHAMMED RASHEED, AGED 50 YEARS  
S/O. MUHAMMED, POTHUVACHOLA HOUSE, VALIYANGADI,  
PERINTHALMANNA MALAPPURAM DISTRICT., PIN - 679321  
BY ADV C.M.KAMMAPPU

**RESPONDENTS:**

- 1 STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM., PIN - 682031
- 2 ABDUL KADER, AGED 61 YEARS  
S/O. MUHAMMED. PADIKKAPARAMBIL HOUSE, CHERAKKAPARAMBA  
WEST, ANGADIPPURAM AMSOM, PERINTHALMANNA TALUK,  
MALAPPURAM DISTRICT., PIN - 679321
- 3 NABEESA, AGED 56 YEARS  
W/O. ABDUL KADER, PADIKKAPARAMBIL HOUSE, CHERAKKAPARAMBA  
WEST, ANGADIPPURAM AMSOM, PERINTHALMANNA TALUK,  
MALAPPURAM DISTRICT., PIN - 679321
- 4 ASMABI, AGED 36 YEARS,  
D/O. ABDUL KADER, PADIKKAPARAMBIL HOUSE, CHERAKKAPARAMBA  
WEST, ANGADIPPURAM AMSOM, PERINTHALMANNA TALUK,  
MALAPPURAM DISTRICT., PIN - 679321
- 5 RAMLATH, AGED 34 YEARS,  
W/O. NOUSHAD, PADIKKAPARAMBIL HOUSE, CHERAKKAPARAMBA WEST,  
ANGADIPPURAM AMSOM, PERINTHALMANNA TALUK, MALAPPURAM  
DISTRICT., PIN - 679321  
R1 BY SRI.G.S.SUDHEER-V PUBLIC PROSECUTOR  
R2 TO R5 BY SRI.K.B.UDAYAKUMAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
14.03.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**K.BABU, J.**

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Crl.M.C.No.1472 of 2023  
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Dated this the 14<sup>th</sup> day of March, 2023

**O R D E R**

The prayer in this Crl.M.C. is to quash Annexure 2 Final Report in Crime No.267/2016 of Perinthalmanna Police Station and all further proceedings in C.C.No.517/2016 on the file of the Judicial First Class Magistrate Court I, Perinthalmanna on the ground that the parties have arrived at a settlement in respect of the subject matter.

2. The petitioner is the sole accused.

3. The offences alleged against the petitioner are punishable under Sections 448, 341, 323 and 354 of IPC.

4. Respondent Nos.2 to 5, the victims, entered appearance through counsel. The affidavits sworn to by them have also been placed before the Court.

5. Heard Sri.Kammappu, the learned counsel for the petitioner, Sri.K.B.Udayakumar, the learned counsel for respondent Nos.2 to 5 and the learned Public Prosecutor.

6. I have perused the averments in the petition and the affidavits sworn to by respondent Nos.2 to 5.

7. The learned Public Prosecutor, on instructions, submitted that the matter was enquired into through the Investigating Officer, who has taken statements of the victims, 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 victims have 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 victims agreed to settle the matter with their 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 CrI.M.C is allowed. Annexure 2 Final Report in Crime No.267/2016 of Perinthalmanna Police Station and all further proceedings in C.C.No.517/2016 on the file of the Judicial First Class Magistrate Court I, Perinthalmanna stand hereby quashed.

Sd/-  
**K.BABU,**  
**JUDGE**

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**APPENDIX OF CRL.MC 1472/2023****PETITIONER ANNEXURES**

Annexure1	CERTIFIED COPY OF FIR IN CRIME NO. 267/2016 OF PERINTHALMANNA POLICE STATION, MALAPPURAM DISTRICT
Annexure2	CERTIFIED COPY OF THE FINAL REPORT IN C.C. NO. 517/2016 OF JUDICIAL FIRST CLASS MAGISTRATE COURT I, PERINTHALMANNA
Annexure3	AFFIDAVIT DATED 15/10/2022 SWORN BY THE 2ND RESPONDENT.
Annexure4	AFFIDAVIT DATED 15/10/2022 SWORN BY THE 3RD RESPONDENT
Annexure5	AFFIDAVIT DATED 15/10/2022 SWORN BY THE 4TH RESPONDENT
Annexure6	AFFIDAVIT DATED 15/10/2022 SWORN BY THE 5TH RESPONDENT

RESPONDENTS ANNEXURES: NIL