

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K. BABU

THURSDAY, THE 25TH DAY OF MAY 2023 / 4TH JYAISHTA, 1945

CRL.MC NO. 3257 OF 2023

CRIME NO.52/2020 OF Ernakulam Central Police Station, Ernakulam
AGAINST CC 1312/2020 OF JUDICIAL MAGISTRATE OF FIRST CLASS -II,
ERNAKULAM

PETITIONER/ACCUSED:

SANTHOSH KUMAR K.S.,
AGED 33 YEARS,
S/O SUNNY.K, KUTTIVELIL HOUSE,
ERUMELI.P.O, ERUMELI SOUTH VILLAGE,
KANJIRAPPALLY TALUK,
KOTTAYAM DISTRICT, PIN - 586509

BY ADV
SRI.K.K.SETHUKUMAR

RESPONDENTS/STATE/DEFACTO COMPLAINANT:

1 STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031

2 JAIPHIL JAMES,
AGED 37 YEARS,
S/O JAMES JOSEPH, EDAMANAPPILLY,
KULASEKHARAPURAM .P.O, VAIKOM TALUK,
KOTTAYAM DISTRICT-686608,

BY ADV.
SRI.SANGEETHARAJ, PP
SMT.SARITHA G.R,

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
25.05.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

K.BABU, J.

Crl.M.C. No.3257 of 2023

Dated this the 25th day of May, 2023

ORDER

The prayer in this Crl.M.C. is to quash Annexure 2 Final Report in Crime No.52/2020 of Central Police Station, Kochi City and all further proceedings in C.C.No.1312/2020 on the file of the Judicial First Class Magistrate Court-II, Ernakulam, 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 offence alleged against the petitioner is punishable under Section 120(o) of the Kerala Police Act.

4. Respondent No.2, the defacto complainant entered appearance through counsel. An affidavit sworn to by him has also been placed before the Court.

5. Heard both sides.

6. I have perused the averments in the petition and the affidavit sworn to by respondent No.2.

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 his 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 offence in question does not fall within the category of serious offences or heinous offences.

10. The offence in the present case does 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. Annexure 2 Final Report in Crime No.52/2020 of Central Police Station, Kochi City and all further proceedings in C.C.No.1312/2020 on the file of the Judicial First Class Magistrate Court-II, Ernakulam, stand hereby quashed.

VPK

Sd/-
K.BABU
JUDGE

APPENDIX OF CRL.MC 3257/2023

PETITIONER ANNEXURES

Annexure1	PHTOCOPY OF FIR IN CRIME NO.0052/2020 OF ERNAKULAM CENTRAL POLICE STATION
Annexure2	CERTIFIED COPY OF FINAL REPORT IN CC NO.1312/2020 ON THE FILE OF JFMC-II, ERNAKULAM
Annexure3	AFFIDAVIT OF R2