

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

FRIDAY, THE 10TH DAY OF JUNE 2022 / 20TH JYAISHTA, 1944

CRL.MC NO. 3279 OF 2022

CRIME NO. 117/2021 OF THE WANDOOOR POLICE STATION,
MALAPPURAM

PETITIONERS/ACCUSED NOS 1 TO 3:

- 1 ANEES K.T.
AGED 27 YEARS
S/O.ISMAIL KUTTY,
PALAKKUZHI HOUSE, ELAMARAM, EDAVANNAPPARA,
MALAPPURAM DISTRICT
PIN - 673640
- 2 RAHMATH
AGED 47 YEARS
W/O.ISMAIL KUTTY,
PALAKKUZHI HOUSE, ELAMARAM, EDAVANNAPPARA,
MALAPPURAM DISTRICT
PIN - 673640
- 3 ISMAIL KUTTY
AGED 55 YEARS
S/O.ALIKKOYA,
PALAKKUZHI HOUSE, ELAMARAM, EDAVANNAPPARA,
MALAPPURAM DISTRICT
PIN - 673640
BY ADV K.RAKESH

RESPONDENTS/STATE & DE FACTO COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM, KOCHI, PIN - 682031
- 2 THE STATION HOUSE OFFICER
WANDOOOR POLICE STATION,
MALAPPURAM DISTRICT
PIN - 679328

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3 SAFA SHERIN
 AGED 22 YEARS
 D/O.AHAMMEDKUTTY,
 SAFA MANZIL, ALIPPADY, CHENNANKULANGARA,
 PORUR AMSOM, CHATHANGOTTUPURAM DESOM,
 NILAMBUR TALUK, MALAPPURAM DISTRICT
 PIN - 679339
 BY ADVS.
 PUBLIC PROSECUTOR
 K.S.PRAVEEN

SMT T V NEEMA -SR PP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 10.06.2022, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:

ORDER

This Crl.M.C. has been preferred to quash Annexure A Final Report in Crime No. 117/2021 of Wandoor police station on the ground of settlement between the parties.

2. The petitioners are the accused Nos. 1 to 3. The respondent No. 3 is the de facto complainant.

3. The offences alleged against the petitioners are punishable under Sections 498A and 406 read with 34 of the IPC.

4. The respondent No. 3 entered appearance through counsel. An affidavit sworn in by her is also produced.

5. I have heard Sri. K. Rakesh, the learned counsel for the petitioners, Sri. K. S. Praveen, the learned counsel for the respondent No. 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 No. 3 would show that the entire dispute between the parties has been amicably settled and the *de facto*

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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 A. The offences in

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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 A Final Report in Crime No. 117/2021 of Wandoor police station hereby stands quashed.

Sd/-

**DR.KAUSER EDAPPAGATH,
JUDGE**

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APPENDIX OF CRL.MC 3279/2022

PETITIONER ANNEXURES

Annexure A	CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.117/2021 OF THE WANDOOOR POLICE STATION
Annexure B	AFFIDAVIT DATED 10-1-2022 SWORN TO BY THE 3RD RESPONDENT/DEFACTO COMPLAINANT