

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

THURSDAY, THE 23<sup>RD</sup> DAY OF JUNE 2022 / 2ND ASHADHA, 1944

CRL.MC NO. 3736 OF 2022

CRIME NO.314/2022 OF Kollam East Police Station, Kollam

PETITIONER/ACCUSED:

NITHIN U. S  
AGED 33 YEARS  
SON OF SADASIVAN PILLAI, NITHIN NIVAS HOUSE,  
NEELESWARAM PO, NEDUVATHOOR , KOLLAM DISTRICT , ,  
PIN - 691505

BY ADV M.T.SURESHKUMAR

RESPONDENTS/DEACTO COMPLAINANT/INJURED & STATE:

- 1 MANJUSHA  
AGED 53 YEARS  
WIFE OF JAYAPRAKASHAN NAIR,  
HOUSE NO. 128, SRI BHADRA NAGAR,  
ULIYAKOVIL, KOLLAM EAST VILLAGE, KOLLAM TALUK,  
KOLLAM DISTRICT, PIN - 691019
- 2 VISHNU  
AGED 32 YEARS  
SON OF JAYAPRAKASHAN NAIR,  
HOUSE NO. 128, SRI BHADRA NAGAR, ULIYAKOVIL,  
KOLLAM EAST VILLAGE, KOLLAM TALUK,  
KOLLAM DISTRICT, PIN - 691019

Cr1.M.C.No.3736/2022

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3      LEKSHMI  
         AGED 27 YEARS  
         DAUGHTER OF JAYAPRAKASHAN NAIR,  
         HOUSE NO. 128, SRI BHADRA NAGAR,  
         ULIYAKOVIL, KOLLAM EAST VILLAGE, KOLLAM TALUK,  
         KOLLAM DISTRICT, PIN - 691019

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

BY ADV JOSE ANTONY

SRI. P.G. MANU, SR. PP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 23.06.2022, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

**ORDER**

Dated this the 23<sup>rd</sup> day of June, 2022

This Cr1.M.C. has been preferred to quash Annexure 1 FIR in Crime No.314/2022 of Kollam East Police Station on the ground of settlement between the parties.

2. The petitioner is the accused. The 1<sup>st</sup> respondent is the defacto complainant and 2<sup>nd</sup> and 3<sup>rd</sup> respondents are the injured.

3. The offences alleged against the petitioner are punishable under Sections 294(b), 323, 451 and 506 of IPC.

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

5. I have heard Sri. Suresh Kumar, the learned counsel for the petitioner, Sri. Jose Antony, the learned counsel for the respondent Nos. 1 to 3 and Sri. P.G. Manu, the learned Senior Public Prosecutor.

6. The averments in the petition as well as the affidavits 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

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nature. No public interest or harmony will be adversely affected by quashing the proceedings pursuant to Annexure 1. 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 Cr1.M.C. is allowed. Annexure 1 FIR in Crime No.314/2022 of Kollam East Police Station hereby stands quashed.

Sd/-  
DR. KAUSER EDAPPAGATH  
JUDGE

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**APPENDIX OF CRL.MC 3736/2022**

PETITIONER ANNEXURES

Annexure1	TRUE COPY OF THE FIR IN CRIME NO. 314 OF 2022 OF KOLLAM EAST POLICE STATION DATED 18-4-2022
Annexure2	TRUE COPY OF THE MUTUAL AGREEMENT ENTERED INTO BETWEEN THE PARTIES DATED 5-5-2022
Annexure3	TRUE COPY OF THE AFFIDAVIT DULY SIGNED BY THE 1ST RESPONDENT
Annexure4	TRUE COPY OF THE AFFIDAVIT DULY SIGNED BY THE 2ND RESPONDENT
Annexure5	TRUE COPY OF THE AFFIDAVIT DULY SIGNED BY THE 3RD RESPONDENT