

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K. BABU

THURSDAY, THE 24TH DAY OF AUGUST 2023 / 2ND BHADRA, 1945

CRL.MC NO. 6311 OF 2023

AGAINST THE ORDER/JUDGMENT CC 431/2022 OF JUDICIAL

MAGISTRATE OF FIRST CLASS - II, KALPETTA

CRIME NO.4 OF 2022 OF KAMBALAKKAD POLICE STATION

PETITIONER/S:

AMAL NATH
AGED 25 YEARS
S/O CHITHAMBARAN, AGED 25 YEARS, PARUVAKUDIYIL
HOUSE VARADOOR POST WAYANAD DISTRICT, PIN -
673591
BY ADVS.
CHERIAN MATHEW POOTHICOTE
GEORGE G.POOTHICOTE
AJITH VILLY GEORGE

RESPONDENT/S:

- 1 THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH
COURT OF KERALA, ERNAKULAM, PIN - 682031
- 2 ASWATHY RAVICHANDRAN
AGED 20 YEARS
D/O RAVICHANDRAN PUTHIYAVEEDU HOUSE
KANIYAMBETTA KODUTHUMMAL, VYTHRI TALUK, WAYANAD
DISTRICT, PIN - 673576
R1 BY PUBLIC PROSECUTOR SMT M K PUSHPALATHA
R2 BY ADV SHAHID AZEEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 24.08.2023, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:

K.BABU, J.

Crl.M.C.No.6311 of 2023

Dated this the 24th day of August, 2023

ORDER

The prayer in this Crl.M.C. is to quash Annexure-A1 Final Report in Crime No.4 of 2022 of Kambalakkad Police Station, Wayanad, and all further proceedings in C.C.No.431 of 2022 on the file of the Judicial First Class Magistrate Court, Kalpetta, 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 354-D and 506(i) of the Indian Penal Code.

4. Respondent No.2, the defacto complainant entered appearance through counsel. An affidavit sworn

to by her has also been placed before this Court.

5. Heard Shri. Cherian Mathew Poothicote, the learned counsel for the petitioner, the learned counsel for respondent No.2 and the learned Public Prosecutor.

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 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. Laxmi 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 **Laxmi 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-A1 Final Report in Crime No.4 of 2022 of Kambalakkad Police Station, Wayanad, and all further proceedings in C.C.No.431 of 2022 on the file of the Judicial First Class Magistrate Court, Kalpetta, stand hereby quashed.

Sd/-
K.BABU,
JUDGE

kkj

APPENDIX OF CRL.MC 6311/2023

PETITIONER ANNEXURES

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| Annexure A1 | A TRUE COPY OF THE FINAL REPORT NO. 133/2022 WHICH IS PENDING BEFORE THE CHIEF JUDICIAL FIRST CLASS MAGISTRATE COURT , KALPETTA, WHICH IS PENDING AS C.C 431/2022 DATED 31/03/2022 |
| Annexure A 2 | A TRUE COPY OF THE AFFIDAVIT STATING THE ENTIRE DISPUTE HAS BEEN SETTLED IS PRODUCED HERewith AND DATED 31/07 /2023 |