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**(2022) 09 KL CK 0073**

**High Court Of Kerala**

**Case No:** Criminal Miscellaneous Petition No. 5348 Of 2022

C.Balakrishnan

APPELLANT

Vs

State Of Kerala

RESPONDENT

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**Date of Decision:** Sept. 16, 2022

**Acts Referred:**

- Code of Criminal Procedure, 1973 - Section 320, 482
- Indian Penal Code, 1860 - Section 294(b), 506(i)

**Hon'ble Judges:** Dr. Kauser Edappagath, J

**Bench:** Single Bench

**Advocate:** R.Bindu, G.Rajagopal, Peeyus A.Kottam, P.G. Manu

**Final Decision:** Allowed

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### **Judgement**

Dr. Kauser Edappagath, J

1. This Crl.M.C. has been preferred to quash Annexure 2 Final Report in Crime No.559/2020 of Thrikkakara Police Station now pending as

C.C.No.1490/2020 on the file of the Judicial First Class Magistrate Court, Kakkanad on the ground of settlement between the parties.

2. The petitioner is the accused. The 1st respondent is the defacto complainant.

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

4. The respondent No.1 entered appearance through counsel. An affidavit sworn in by him is also produced.

5. I have heard Sri. R. Bindu Sasthamangalam, the learned counsel for the petitioner, Sri. Peeyus A. Kottam, the learned counsel for the respondent

No.1 and Sri.P.G. Manu, the learned Senior Public Prosecutor.

6. The averments in the petition as well as the affidavit sworn in by the respondent No.1 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 nature. No public interest or harmony will be adversely affected by quashing the proceedings

pursuant to Annexure 2. 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 CrI.M.C. is

allowed. Annexure 2 Final Report in Crime No.559/2020 of Thrikkakara Police Station now pending as C.C.No.1490/2020 on the file of the Judicial

First Class Magistrate Court, Kakkanad hereby stands quashed.