

(2022) 09 KL CK 0106

High Court Of Kerala

Case No: Criminal Miscellaneous Petition No. 6383 Of 2022

Mathew P. Davis

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision: Sept. 22, 2022

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 320, 482
- Indian Penal Code, 1860 - Section 34, 498A

Hon'ble Judges: Dr Kauser Edappagath, J

Bench: Single Bench

Advocate: S.Rajeev, Anilkumar, C.R. V.Vinay, M.S.Aneer, Prerith Philip Joseph, Sarath K.P., T.V.Neema

Final Decision: Allowed

Judgement

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Dr. Kauser Edappagath, J

1. This Crl.M.C. has been preferred to quash Annexure-I Final Report in Crime No.2765 of 2018 of Central Police Station, Ernakulam on the ground

of settlement between the parties.

2. The petitioners are the accused Nos.1 to 4. The 2nd respondent is the de facto complainant.

3. The offence alleged against the petitioners is punishable under Section 498A read with Section 34 of the IPC.

4. An affidavit sworn in by the 2nd respondent is produced.

5. I have heard Sri.S.Rajeev, the learned counsel for the petitioners 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.2 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 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-I Final Report in Crime No.2765 of 2018 of Central Police Station, Ernakulam. The offence in question does 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-I Final Report in Crime No.2765 of 2018 of Central Police Station, Ernakulam hereby stands quashed.