

## Shajan Vs State Of Kerala

**Court:** High Court Of Kerala

**Date of Decision:** Sept. 22, 2022

**Acts Referred:** Code Of Criminal Procedure, 1973 " Section 320, 482  
Indian Penal Code, 1860 " Section 294(b), 354A, 447

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

**Bench:** Single Bench

**Advocate:** Arun Ashok, Neena James, Sangeetha Raj, M.Manojkumar, T.H.Aravind

**Final Decision:** Allowed

### Judgement

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Dr. Kauser Edappagath, J

1. This Crl.M.C. has been preferred to quash Annexure II Final Report in C.C.No.2301/2015 on the file of the Judicial First Class Magistrate Court-II,

Kochi on the ground of settlement between the parties.

2. The petitioners are the accused Nos. 1 & 2. The 2nd respondent is the defacto complainant.

3. The offences alleged against the petitioners are punishable under Sections 447, 354A and 294(b) of the IPC.

4. The respondent No.2 entered appearance through counsel. An affidavit sworn in by her is also produced.

5. I have heard Smt. Neena James, the learned counsel for the petitioners, Sri. T.H. Aravind, the learned counsel for the respondent No.2 and Sri.

Sangeetha Raj, the learned 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 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 II. 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 II Final Report in C.C.No.2301/2015 on the file of the Judicial First Class Magistrate Court-II, Kochi hereby stands quashed.