
Bazeeth Badusha Vs State Of Kerala

Criminal Miscellaneous Petition No. 4867 Of 2023

Court: High Court Of Kerala

Date of Decision: July 21, 2023

Acts Referred:

Code of Criminal Procedure, 1973 " Section 320, 482#Indian Penal Code, 1860 " Section 109, 143, 147, 149, 323, 324, 447, 506

Hon'ble Judges: Dr. Kauser Edappagath, J

Bench: Single Bench

Advocate: D.Ajithkumar, T.Manasy, T.V.Neema

Final Decision: Allowed

Judgement

Dr. Kauser Edappagath, J

1. This CrI.M.C. has been preferred to quash Annexure-B Final Report in C.C.No.223/2022 on the files of the Judicial First Class Magistrate Court-I,

Thiruvananthapuram on the ground of settlement between the parties.

2. The, petitioners, are, the, accused, Nos.1, to, 11. The, 3rd respondent is the de facto complainant.

3. The offences alleged against the petitioners are punishable under Sections 109, 143, 147, 149, 323, 324, 447 and 506 of IPC.

4. The 3rd respondent entered appearance through counsel. An affidavit sworn in by her is also produced.

5. I have heard Sri.D.Ajithkumar, the learned counsel for the petitioner, Smt.T.Manasy, the learned counsel for the 3rd respondent 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 3rd respondent 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-B. 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-B Final Report in C.C.No.223/2022 on the files of the Judicial First Class Magistrate Court-I, Thiruvananthapuram hereby stands

quashed.