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(2024) 04 KL CK 0038

High Court Of Kerala

Case No: Criminal Miscellaneous Petition No. 7769 Of 2022

Thambi		APPELLANT
	Vs	
State Of Kerala		RESPONDENT

Date of Decision: April 3, 2024

Acts Referred:

- Code of Criminal Procedure, 1973 - Section 320, 482
- Indian Penal Code, 1860 - Section 323, 353

Hon'ble Judges: K.Babu, J

Bench: Single Bench

Advocate: Cimil Cherian Kottalil, Enoch David Simon Joel, S.Sreedev, Rony Jose, Leo Lukose, G Sudheer

Final Decision: Allowed

Judgement

K.Babu, J

1. The prayer in this Crl.M.C. is to quash Annexure A1 FIR and Annexure A2 Final Report in Crime No.2816 of 2019 of Cherthala Police Station and

all further proceedings pursuant to it 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 petitioners are punishable under Sections 323 and 353 of IPC.

4. Respondent No.2 entered appearance through counsel. The affidavit sworn to by him has also been placed before this Court.

5. Heard both sides.

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 the

statement of the victim, 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 their 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 FIR and Annexure A2 Final Report in Crime No.2816 of 2019 of Cherthala Police Station and all

further proceedings pursuant to it stand hereby quashed.