

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

WEDNESDAY, THE 12<sup>TH</sup> DAY OF OCTOBER 2022 / 20TH ASWINA, 1944

CRL.MC NO. 6825 OF 2022

CRIME NO.1024/2022 OF MARADU POLICE STATION, ERNAKULAM

DISTRICT

PETITIONER/ACCUSED

MR.SREENATH BHASI, AGED 34 YEARS  
S/O BHASI O R, PALLIYIL HOUSE, VALAPPU,  
OCHANTHURUTHI P.O., VYPIN, PIN - 682508

BY ADVS.  
P.MARTIN JOSE  
P.PRIJITH  
THOMAS P.KURUVILLA  
R.GITESH  
AJAY BEN JOSE  
MANJUNATH MENON  
SACHIN JACOB AMBAT  
ANNA LINDA V.J  
HARIKRISHNAN S.  
S.SREEKUMAR (SR.)

RESPONDENTS:

- 1 THE STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM , PIN - 682031
- 2 XXX  
XXXXX

BY ADVS.  
SRI.E.B.THAJUDEEN  
SRI.RSHAD V.P.,  
SRI SANGEETHA RAJ-PP

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON  
12.10.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**O R D E R**

This CrI.M.C. has been preferred to quash Annexure-A FIR in Crime No.1024 of 2022 of Maradu Police Station on the ground of settlement between the parties.

2. The petitioner is the accused. The 2<sup>nd</sup> respondent is the de facto complainant.

3. The offences alleged against the petitioner are punishable under Sections 354A(i)(iv), 294(b) and 509 of IPC.

4. The 2<sup>nd</sup> respondent entered appearance through counsel. An affidavit sworn in by her is also produced.

5. I have heard Sri.S.Sreekumar, the learned senior counsel for the petitioner, Sri.E.B.Thajudeen, the learned counsel for the 2<sup>nd</sup> respondent and Sri.Sangeetha Raj, the learned Public Prosecutor.

6. The averments in the petition as well as the affidavit sworn in by the 2<sup>nd</sup> 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-A. 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 Crl.M.C. is allowed. Annexure-A FIR in Crime No.1024 of 2022 of Maradu Police Station hereby stands quashed.

Sd/-

**DR.KAUSER EDAPPAGATH, JUDGE**

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APPENDIX

PETITIONER'S ANNEXURES :

ANNEXURE A                      TRUE COPY OF FIR IN CRIME NO.1024 OF 2022  
OF MARADU POLICE STATION

ANNEXURE B                      TRUE COPY OF AFFIDAVIT SWORN BY 2<sup>ND</sup>  
RESPONDENT DATED 29.09.2022.