

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

TUESDAY, THE 13TH DAY OF DECEMBER 2022 / 22ND AGRAHAYANA,
1944

CRL.MC NO. 8376 OF 2022

CRIME NO.1957/2021 OF VITHURA POLICE STATION,

THIRUVANANTHAPURAM

CC 146/2022 OF JUDICIAL MAGISTRATE OF FIRST CLASS COURT

(FOREST OFFENCES) NEDUMANGAD

PETITIONERS/1ST AND 2ND ACCUSED:

- 1 AJEESH NATH P.S
AGED 32 YEARS
S/O SURENDRANATH P.N, ANEESH COTTAGE,
THEVIYODU, VITHURA P.O,
THIRUVANANTHAPURAM DISTRICT, PIN - 695551
- 2 ANEESH NATH P.S
AGED 35 YEARS
S/O SURENDRANATH P.N, ANEESH COTTAGE,
THEVIYODU,VITHURA P.O,
THIRUVANANTHAPURAM DISTRICT, PIN - 695551

BY ADV S.NIKHIL SANKAR

RESPONDENTS/STATE & DE FACTO COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, HIGH COURT OF KERALA P.O.,
ERNAKULAM DISTRICT, PIN - 682031
- 2 SANGEETH, S/O.SELVARAJ,
AGED 32 YEARS
G.S VILLA,NEAR K.P.S.M JUNCTION,VITHURA P.O,
THIRUVANANTHAPURAM DISTRICT, PIN - 695551

3 VIJI BABU, D/O.BABU,
AGED 35 YEARS
BINU BHAVAN, POTTIKUNNU, VITHURA P.O,
THIRUVANANTHAPURAM DISTRICT, PIN - 695551

BY ADVS.
SRI.P.G.MANU, SR.PUBLIC PROSECUTOR
S.MOHAMMED AL RAFI

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
13.12.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

This Crl.M.C. has been preferred to quash Annexure-1 Final Report in C.C.No.146/2022 on the files of the Judicial First Class Magistrate Court (Forest Offences), Nedumangad on the ground of settlement between the parties.

2. The petitioners are the accused Nos.1 & 2. The 2nd respondent is the de facto complainant. The 3rd respondent is the injured.

3. The offences alleged against the petitioners are punishable under Sections 452, 294(b), 341, 323, 324, 427, 354 r/w 34 of IPC and Section 3 of the Kerala Prevention of Damage to Private Property and Payment of Compensation Act.

4. The respondents 2 and 3 entered appearance through counsel. Affidavits sworn in by them are also produced.

5. I have heard Sri.S.Nikhil Sankar, the learned counsel for the petitioners, Sri.S.Mohammed Al Rafi, the learned counsel for the respondents 2 and 3 and Sri.P.G.Manu, the learned Senior Public Prosecutor.

6. The averments in the petition as well as the affidavits sworn in by the respondents 2 and 3 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 they 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-1. 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-1 Final Report in C.C.No.146/2022 on the files of the Judicial First Class Magistrate Court (Forest Offences), Nedumangad hereby stands quashed.

Sd/-

DR.KAUSER EDAPPAGATH, JUDGE

AS

APPENDIX OF CRL.MC 8376/2022

PETITIONERS' ANNEXURES:

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| ANNEXURE 1 | CERTIFIED COPY OF FINAL REPORT AND ALL
FURTHER PROCEEDINGS THERETO IN
C.C.NO:146/2022 OF J.F.C.M COURT (FOREST
OFFENCES), NEDUMANGAD ARISING OUT OF
CRIME NO:1957/2021 OF VITHURA POLICE
STATION |
| ANNEXURE 2 | AFFIDAVIT DULY SIGNED BY DE FACTO
COMPLAINANT/2ND RESPONDENT AND ATTESTED
BY THE NOTARY DATED 16/11/2022 |
| ANNEXURE 3 | AFFIDAVIT DULY SIGNED BY INJURED/3RD
RESPONDENT AND ATTESTED BY THE NOTARY
DATED 16/11/2022 |