IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

WEDNESDAY, THE 24TH DAY OF JULY 2024 / 2ND SRAVANA, 1946

CRL.MC NO. 5007 OF 2024

CRIME NO.208/2024 OF Pazhayannur Police Station, Thrissur

PETITIONER:

VENKITESH R
AGED 26 YEARS
S/O RADHAKRISHNAN V,
VANIYAMKULAM ANGADI,
VANIYAMKULAM,VANIYAMKULAM-I,
PALAKKAD, KRRALA,,
PIN - 679522
BY ADV SANAL C.S

RESPONDENTS:

1 **STATE OF KERALA**
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
PIN - 682031

2 **GIREESH**
AGED 42 YEARS
S/O VELAYUDHAN,
PUTHEN VEEDU,
KODATHUR, PAZHAYANNUR,
THRISSUR DISTRICT,
PIN - 680587
ADV.CHACKOCHEN vITHAYATHIL

OTHER PRESENT:

SRI. NOUSHAD K. A. (PP)

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.07.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

Crl.M.C. No. 5007 of 2024

Dated this the 24th day of July, 2024

ORDER

Petitioner is the accused in Crime No.208/2024 of Pazhayannur South Police Station. He seeks to quash the proceedings against him for the aforesaid crime on the basis of the settlement arrived at with the defacto complainant. Petitioner is alleged to have committed an offence under Section 380 of the Indian Penal Code, 1860.

2. According to the prosecution, on 02-04-2024 at about 7:40 pm, the accused entered into the shop of the defacto complainant and committed theft of two gold ornaments worth Rs.1,10,000/-.

3. The learned Public Prosecutor upon instructions submitted that though the issue has been settled between the parties, it has been revealed that the petitioner is involved in Crime No.748/2024 of Palakkad Police Station, Crime No. 431/2024 of Kasaba Police Station, Crime No. 420/2020 and Crime No.421/2024 both of Ottappalam Police Station.

4. Though in the decisions in **Gian Singh v. State of Punjab and Another** [(2012) 10 SCC 303], and **Laxmi Narayan v. State of Madhya Pradesh** *[(2019) 5 SCC 688]* it has been observed that non-compoundable cases can be quashed on the basis of settlement, considering the antecedents of the petitioner and also the nature of offence committed, quashing the criminal cases on the basis of the settlement with the particular defacto complainant will not be in public interest.

5. The learned counsel for the petitioner submitted that Crime No.420/2024 and 421/2024 have been compounded between the parties since the offence alleged in those two cases was only under Section 379 of IPC. However, I am of the view that despite the above-mentioned compounding, the antecedents of the petitioner is reflective of the public interest involved to deny the request to quash the proceedings.

Hence, I decline to exercise the jurisdiction under Section 482 of Cr.P.C to quash the proceedings. Accordingly, the Crl.M.C is dismissed.

Sd/-
BECHU KURIAN THOMAS
JUDGE

AJM

APPENDIX OF CRL.MC 5007/2024

PETITIONER ANNEXURES

Annexure A1	**TRUE COPY OF F.I.R IN CRIME NO. 208/2024 OF PAZHAYANNUR POLICE STATION**
Annexure A2	**THE AFFIDAVIT DATED 08.06.2024 SIGNED BY THE 2ND RESPONDENT .**