

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

Crl.MC.No. 1282 of 2015 (C)

SC 250/2013 OF SESSIONS COURT, MANJERI

CRIME NO. 167/2010 OF KOTTAKKAL POLICE STATION , MALAPPURAM

PETITIONER(S)/ACCUSED :-

**SARATH K.S., SARATH BAHVAN,
VANJIPUZHAYATH, ERAMALLIKKARA P.O.,
VANANATHUKKARA, CHENGANNOOR TALUK, ALAPPUZHA.**

**BY ADVS.SRI.P.K.NIJOY
SMT.C.PRABITHA**

RESPONDENT(S)/STATE & COMPLAINANT :-

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. HARIDASAN, PARENGAL HOUSE, PARAYIL STREET,
KURUVAKKOTTIL QUARTERS,
NEAR RAJAS HIGH SCHOOL, KOTTAKKAL P.O.,
MALAPPURAM - 676 503.**
- 3. AMRUTHA P, D/O. HARIDASAN,
PARENGAL HOUSE, PARAYIL STREET,
KURUVAKKOTTIL QUARTERS,
NEAR RAJAS HIGH SCHOOL,
KOTTAKKAL P.O.,
MALAPPURAM - 676 503.
NOW RESIDING AT SARATH BAHVAN,
VANJIPUZHAYATH, ERAMALLIKKARA P.O.,
VANANATHUKKARA,
CHENGANNOOR, ALAPPUZHA - 689 121.**

**R1 BY SMT.S.HYMA, PUBLIC PROSECUTOR
R2 & R3 BY ADV. SRI.C.JOSEPH JOHNY**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 06-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 1282 of 2015 (C)

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 - CERTIFIED COPY OF THE FIR IN CRIME NO. 167/2010
DATED 10.6.2010.**

**ANNEXURE A2 - CERTIFIED COPY OF FINAL REPORT IN CRIME NO. 167/10 BEFORE
THE JUDICIAL FIRST CLASS MAGISTRATE COURT, MALAPPURAM.**

ANNEXURE A3 - AFFIDAVIT DATED 18.2.2015 OF THE 2ND RESPONDENT.

ANNEXURE A4 - AFFIDAVIT DATED 18.2.2015 OF THE 3RD RESPONDENT.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.1282 of 2015
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Dated this the 6th day of August, 2015

ORDER

The petitioner herein is the accused in S.C.No. 250 of 2013 of Sessions Court, Manjeri. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Section 363 of the Indian Penal Code on the complaint of one Haridasan, who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused, and he has no grievance or complaint now. The victim of offence is the 3rd respondent in this proceeding. She has also filed affidavit to the effect that she has settled the whole dispute with the accused, and she has no grievance or complaint now.

2. In so many decisions, the Hon'ble Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash the prosecution in pending proceedings, if the parties have really settled the whole dispute amicably out of court, and the continuance of further proceedings will not serve any purpose in such a circumstance of amicable settlement. Here, I find a real and genuine case of settlement between the parties. This is not a case involving any public interest or public issue. The parties

have come to terms amicably on the intervention of persons acceptable to both sides, and I am satisfied that the parties are now on quite cordial terms. In such a situation, continuance of the prosecution will not serve any purpose other than wasting the precious time of the court. No doubt, nobody will support the prosecution in such a situation, if the case goes to trial.

3. The victim's affidavit shows that complaint in this case happened to be made on some misapprehension, and investigation proceeded only because the victim was in fact a minor at the time of the alleged incident. Her affidavit also shows that the petitioner has married her, and that she is very happy in matrimony with her husband. In such a situation, continuance of this prosecution will definitely cause embarrassment and hardship to the couple. It is appropriate that the whole proceedings be quashed.

In the result, this petition is allowed. The prosecution against the petitioner herein in S.C.No. 250 of 2013 of Sessions Court, Manjeri will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

Sd/-

**P.UBAID
JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE