

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

Crl.MC.No. 1565 of 2015

CRIME NO. 14/2015 OF CHITTARIKAL POLICE STATION, KASARGOD DISTRICT.
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PETITIONER/ACCUSED:

**RAJAGOPALAN NAIR @ BABURAJ,
S/O.P.NARAYANAN NAIR, AGED 41 YEARS,
RESIDING AT MUTTATHODY VILLAGE,
KASARAGOD TALUK, KASARAGODE DISTRICT.**

**BYSRI.M.RAMESH CHANDER (SENIOR ADVOCATE)
ADVS. SRI.ANEESH JOSEPH
SMT.DENNIS VARGHESE**

RESPONDENT(S)/COMPLAINANT/STATE:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI - 682 031.**
- 2. VINCY.V.M., AGED 34 YEARS,
D/O.VAGAMALAYIL MATHAI,
RESIDING AT KANIVAYAL,
PALAVAYAL VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT, PIN - 671 315.**

**R1 BY PUBLIC PROSECUTOR SMT.P.MAYA
R2 BY ADV. SRI.V.TEKCHAND**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

Crl.MC.No. 1565 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE A1 : CERTIFIED COPY OF FIRST INFORMATION REPORT IN CRIME
NO.14/2015 OF CHITTARIKKAL POLICE STATION.**

**ANNEXURE A2 : TRUE COPY OF THE AFFIDAVIT SWORN TO BY
2ND RESPONDENT AND ATTESTED BEFORE THE ADVOCATE
AND DISTRICT NOTARY DATED 31.1.2015.**

RESPONDENT'S ANNEXURES: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

P. UBAID, J.

Crl.M.C.No.1565 of 2015

Dated this the 18th day of March, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.14/2015 of the Chittarikkal Police Station, registered under Sections 313 and 376 on the complaint of one Vincy. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. The de facto complainant Vincy is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. She has filed affidavit to the effect that she has settled the whole dispute with the accused and she has no grievance or complaint.

2. On a perusal of the complaint in this case, I find that this case cannot be said to be a case of sexual intercourse without consent or against will. A consensual affair went on for years, and everything happened with consent. When the relationship strained, a complaint happened to be made. Any way, the parties have now come to terms. Continuance of further proceedings in

the crime will definitely do harm and hardship to both the parties. So, it is appropriate that the proceeding be closed.

3. In so many decisions, the Hon'ble Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash prosecution; be it at the crime stage or at the trial stage or even at the appellate or revision stage; if the parties have really settled the whole dispute or if continuance of prosecution will not serve any purpose. Here, I find a real case of settlement between the parties and I also find that continuance of prosecution in such a situation will not serve any purpose other than wasting the precious time of the court, when the case ultimately comes before the court.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.14/2015 of the Chittarikkal Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P. UBAID, JUDGE

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