

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

Crl.MC.No. 1955 of 2015 ()

**CC.NO. 295/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, TALIPARAMBA
CRIME NO. 516/2011 OF TALIPARAMBA POLICE STATION , KANNUR DISTRICT**

PETITIONER/ACCUSED:

**T.V.RAJEEVAN,
S/O. KRISHNAN NAIR,AGED 41 YEARS,
RESIDING AT THALIYIL HOUSE, PATTUVAM AMSOM,
MULLOOL DESOM, PATTUVAM (PO), TALIPARAMBA TALUK,
KANNUR DISTRICT.**

**BY ADVS.SMT.M.M.DEEPA
SRI.T.PRAMACHANDRAN**

RESPONDENT(S)/STATE, INJURED & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.**
- 2. SWATHI P., MINOR, AGED 11 YEARS,
D/O. PRADEEP & POORNIMA,
RESIDING AT 'SREEPADAM' PARIYARAM AMSOM DESOM,
KORANPEEDIKA, REPRESENTED BY HER
MOTHER AND GUARDIAN POORNIMA,
RESIDING AT 'SREEPADAM', PARIYARAM AMSOM DESOM,
KORANPEEDIKA, G.POYIL P.O, TALIPARAMBA TALUK,
KANNUR DISTRICT.**
- 3. VISWANATHAN,
S/O. NARAYANAN, TEACHER, RESIDING AT PILAKKAL HOUSE,
KUTTOOR AMSOM DESOM, AREECHAL KUTTOR POST,
MATHAMANGALAM, TALIPARAMBA TALUK, KANNUR DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SMT. P.MAYA
R2 & R3 BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 1955 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEX A: CERTIFIED COPY OF THE FIR IN CRIME NO. 516/2011 OF THE TALIPARAMBA POLICE STATION**
- ANNEX B: TRUE COPY OF THE FINAL REPORT IN CRIME NO. 516/2011 OF THE TALIPARAMBA POLICE STATION**
- ANNEX C: SWORN AFFIDAVIT BY THE GUARDIAN OF THE INJURED/2ND RESPONDENT IN CRIME NO.516/2011 OF TALIPARAMBA POLICE STATION**
- ANNEX D: AFFIDAVIT SWORN BY THE DE-FACTO COMPLAINANT/ 3RD RESPONDENT IN CRIME NO.516/2011 OF TALIPARAMBA POLICE STATION**

RESPONDENT(S)' ANNEXURES: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

P. UBAID, J.

Crl.M.C.No.1955 of 2015

Dated this the 30th day of March, 2015

O R D E R

The petitioner herein is the accused in C.C.No.295/2012 of the Judicial First Class Magistrate Court, Thaliparamba, involving the offences punishable under Sections 336 and 338 IPC. The injured in this case is a small child aged nine years at the time of the accident. The alleged road traffic accident occurred on 04.07.2011. The injured is still a minor. Now, the parties have come to terms amicably out of court. The petitioner seeks orders quashing the prosecution on the ground of such amicable settlement. The First Information Statement in this case was given by a teacher of the school, wherein the injured child studies. The 3rd respondent herein is the first informant. The 2nd respondent herein is the mother of the injured child. She has come to terms amicably with the accused in the best interest of the child. She has filed affidavit to the effect that the whole dispute stands now settled, and she has no grievance or complaint now. The first informant teacher also filed affidavit to the effect that the dispute stands settled and resolved forever. I

am well satisfied that the settlement will not, in any manner, affect the right of the minor. The mother of the minor has come to terms with the accused in the best interest of the minor. I am well satisfied that there is a real and genuine settlement between the parties. Applying the decisions of the Honourable Supreme Court on the point, this prosecution can be quashed as requested. This does not involve any public interest or public issue.

In the result, this petition is allowed. The prosecution against the petitioner in C.C.No.295/2012 will stand quashed under Section 482 Cr.P.C.

Sd/-
P. UBAID, JUDGE

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