

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 5TH DAY OF MAY 2015/15TH VAISAKHA, 1937

CrI.MC.No. 2550 of 2015 ()

**CRIME NO. 304/2014 OF CHATHANNOOR POLICE STATION,
KOLLAM DISTRICT**

PETITIONER/ACCUSED :

**SANAL KUMAR, AGED 29 YEARS,
S/O.SASIKUMAR, RESIDING AT CHARUVILA VEEDU,
MAMBALLIKUNNAM, CHATHANNOOR, KOLLAM DISTRICT.**

**BY ADVS.SRI.BINU GEORGE
SMT.HEMALATHA**

RESPONDENTS/STATE & COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. ARUNA, AGED 18 YEARS,
D/O.AJAYAKUMARI, MULAYARA THEKKATHIL VEETIL,
MAMPALLIKUNNAM CHERI, MEENADU VILLAGE,
CHATHANNOOR, KOLLAM DISTRICT.**
- 3. AJAYAKUMARI, AGED 40 YEARS,
D/O.LEKSHMI KUTTY, MULAYARA THEKKATHIL VEETIL,
MAMPALLIKUNNAM CHERI, MEENADU VILLAGE, CHATHANNOOR,
KOLLAM DISTRICT.**

R1 BY PUBLIC PROSECUTOR SRI. K.K. SAIDALAVI

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

Crl.MC.No. 2550 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE-I: CERTIFIED COPY OF FIR IN CRIME NO.304/2014 OF CHATHANNOOR
POLICE STATION.**

ANNEXURE-II: A TRUE COPY OF RECEIPT NO.AG 0664854 DATED 3.3.2015.

ANNEXURE-III: AFFIDAVIT DATED 17.04.2015 SWORN BY THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P. UBAID, J.

Crl.M.C.No.2550 of 2015

Dated this the 5th day of May, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.304/2014 of the Chathannoor Police Station, registered under Sections 366(A) & 376 IPC and Section 5j(ii)(i) of the Protection of Children from Sexual Offences Act, on the complaint of one Ajayakumari. 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 victim of offence (Aruna) is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. It is true that the victim was a minor at the time of the alleged incident. But, now she is major, and she has filed affidavit to the effect that the petitioner herein has married her, and they have been leading a happy marital life. The first informant, who is the 3rd respondent herein has also filed affidavit to the effect that she has settled the dispute with the accused, and she has no grievance or complaint now.

2. The learned Public Prosecutor submits, on instructions, that the 2nd respondent in fact was carrying at the time of the

alleged incident, and that she is now happy with the petitioner herein as his wife. In such a situation, it will be cruel and unjust to proceed with the prosecution, and I find it appropriate to close the prosecution.

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.304/2014 of the Chathannoor Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P. UBAID, JUDGE

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