

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

Crl.MC.No. 2635 of 2015 ()

**SC.NO. 622/2014 OF ADDL. DISTRICT AND SESSIONS COURT-1, MANJERI
CRIME NO. 302/2014 OF VALANCHERY POLICE STATION , MALAPPURAM DISTRICT**

PETITIONER/ACCUSED:

**ABDUL GAFOOR, AGED 31 YEARS,
S/O.UMMER, MELETHIL HOUSE, EZHUVANTHALA P.O.,
OTTAPALAM TALUK, PALAKKAD DISTRICT, PIN -679 335**

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING STATION HOUSE OFFICER,
VALANCHERRY POLICE STATION,
MALAPPURAM DISTRICT -676 552**
- 2. SUNEERA,D/O.MUHAMMED,
POTHUVACHOLA HOUSE, KODUMUDI,
VALIYAKUNNU P.O, VALANCHERRY, MALAPPURAM DISTRICT,
PIN- 676 552**

**R1 BY SR PUBLIC PROSECUTOR SRI.P.K.ABDUL RAHMAN
R2 BY ADV. SRI.ARUN MATHEW VADAKKAN**

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

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APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEX A1:** TRUE COPY OF THE FIRST INFORMATION REPORT DATED 25.03.2014
IN CRIME NO.302/2014 OF VALANCHERRY POLICE STATION
- ANNEX A2:** TRUE COPY OF THE FINAL REPORT DATED 30.10.2014 IN CRIME
NO.302/2014 OF VALANCHERRY POLICE STATION
- ANNEX A3:** TRUE COPY OF THE PRIVATE COMPLAINT DATED 15.12.2014 FILED BY
THE PETITIONER BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE'S
COURT, TIRUR
- ANNEX A4:** TRUE COPY OF THE COMPLAINT FILED BY BROTHER OF DEFACTO
COMPLAINANT BEFORE SHO, VALANCHERRY POLICE STATION
- ANNEX A5:** TRUE COPY OF THE FIRST INFORMATION REPORT DATED 24.02.2014
IN CRIME NO.215/2014 OF VALANCHERRY POLICE STATION
- ANNEX A6:** TRUE COPY OF THE DEPOSITION OF THE DEFACTO COMPLAINANT
DATED 25.02.2014
- ANNEX A7:** TRUE COPY OF THE STATEMENT OF THE DEFACTO COMPLAINANT
DATED 25.02.2014
- ANNEX A8:** AFFIDAVIT DATED 13.04.2015 OF THE DEFACTO COMPLAINANT

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

P.UBAID, J.

CrI. M.C No.2635 of 2015

Dated this the 5th day of May, 2015.

O R D E R

The petitioner herein is the accused in S.C No.622 of 2014 of the Additional District and Sessions Court-I, 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 Sections 313 and 376 of IPC on the complaint of one Suneera who is the second 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 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 continuance of the 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. On a perusal of the materials including Annexure 6 statement given by the victim before the learned Magistrate I find that this is in fact a case of elopement, and not really a case of rape.

In the result, this petition is allowed. The prosecution against the petitioner herein in S.C No.622 of 2014 of the Judicial First Class Magistrate's Court-I, 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.

P.UBAID,
JUDGE

The name of the Court “Judicial First Class Magistrate's Court-I, Manjeri” occurring in the 3rd line of last paragraph at page 2 in the final order dated 5.5.2015 in Crl.M.C.No.2635/2015 is corrected and substituted as “Additional District and Sessions Court-I, Manjeri”, as per order dated 16.6.2015 in Crl.M.A.No.5446/2015 in Crl.M.C.No.2635/2015.

Sd/-
Registrar (Judicial)