

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937**

**CrI.MC.No. 2758 of 2015 ()**  
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**CRIME NO. 2087/2014 OF THE PARAVOOR POLICE STATION, KOLLAM DISTRICT**  
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**PETITIONER/ACCUSED:**  
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**SANTHOSH KUMAR B, AGED 37 YEARS  
S/O.SURESH KUMAR, SURESH BHAVAN  
POZHIKKARA, PARAVOOR.P.O., KOLLAM.**

**BY ADVS.SRI.PRATHEESH.P  
SMT.S.SEETHA**

**RESPONDENTS/DE-FACTO COMPLAINANT & STATE:**  
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**1. STATE OF KERALA  
REPRESENTED BY SUB INSPECTOR OF POLICE  
PARAVOOR POLICE STATION THROUGH PUBLIC PROSECUTOR  
HIGH COURT OF KERALA-682031.**

**2. ANU MOHAN, AGED 29 YEARS  
D/O.OMANA, KUZHIVILA VETTEL  
KURUMANNOR CHERRY  
PARAVOOR VILLAGE, KOLLAM DISTRICT-691361.**

**R2 BY ADV. SRI.A.MUHAMMED RAFFI  
R1 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 22-09-2015,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**Crl.MC.No. 2758 of 2015 ()**

**APPENDIX**

**PETITIONER'S EXHIBITS**  
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**ANNEXURE 1- THE COPY OF FIR WITH FIS IN CRIME NO.2087/2014 OF PARAVOOR  
POLICE STATION.**

**ANNEXURE 2- THE COPY OF AFFIDAVIT SWORN BY THE 2ND RESPONDENT DATED  
27.2.2015.**

**RESPONDENT'S EXHIBITS**  
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**NIL**

**TRUE COPY**

**P.A. TO JUDGE**

**SD**

P. UBAID, J.

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Crl.M.C.No.2758 of 2015  
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Dated this the 22<sup>nd</sup> day of September, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.2087/2014 of the Paravoor Police Station, registered under Sections 342, 323, 324, 511, 376 & 354 IPC, on the complaint of one Anu Mohan. 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 Anu Mohan is the 2<sup>nd</sup> 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. The victim of offence appeared before me, as directed from the court, and explained the circumstance of the reported settlement. On interacting with her, and on a perusal of the materials, I do not find a definite case of attempted rape here. Of course an offence under Section 354 IPC is made out, but, the parties have come to terms amicably, and the victim

has no grievance or complaint now. She affirmed before me that she settled the dispute quite voluntarily, and she is not interested in the prosecution.

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; 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.2087/2014 of the Paravoor Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P. UBAID, JUDGE

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