

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

Crl.MC.No. 2802 of 2015 ()

CRIME NO. 517/2014 OF KANAKAKUNNU POLICE STATION , ALAPPUZHA DISTRICT

PETITIONER/ACCUSED :

**ANEESH, AGED 21 YEARS
S/O. VISWANANDHAN PILLAI, JAYABHAVANAM
KANDALLOOR VILLAGE, KUNDALLOOR PANCHAYATH.**

BY ADV. SRI.K.R.SUNIL

RESPONDENT/COMPLAINANT:

- 1. THE SUB INSPECTOR OF POLICE
KANAKAKUNNU POLICE STATION
REP.BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM-682 031.**
- 2. SUBI MOL , AGED 14 YEARS
D/O. SATHEESAN, SUBI BHAVAN, KANDALLOOR VILLAGE
KANDALLOOR PANCHAYATH. (SINCE THE COMPLAINANT IS A MINOR,
HER MOTHER SUSHEELA RESIDING AT THE ABOVE ADDRESS MAY BE
PERMITTED TO REPRESENT ON BEHALF OF THE COMPLAINANT).**

**R2 BY ADV. SMT.REENA GOPINATH
R1 BY PUBLIC PROSECUTOR SMT. S. HYMA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 14-07-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE A1 : CERTIFIED COPY OF THE FIRST INFORMATION REPORT
DTD.31.8.2014.**

**ANNEXURE A2 : THE AFFIDAVIT SWORN BY THE PETITIONER AND THE DEFACTO
COMPLAINANT AND HER GUARDIAN.**

RESPONDENTS' EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.2802 of 2015

Dated this the 14th day of July, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.517/2014 of the Kanakakkunnu Police Station, registered under Section 7 read with Section 8 of the Protection of Children from Sexual Offences Act, 2012 and Section 354(A)(I) IPC, on the complaint of one Subi Mol. 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, Subi Mol is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The mother of the victim has filed affidavit to the effect that the matter stands amicably settled, and they have no grievance or complaint. I am satisfied that the parties have come to terms in the best interest of the minor girl. It is definite that if she is brought to court, and subjected for cross examination, it will cause embarrassment to the girl, and that is why the parents have thought it appropriate to come to terms.

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.517/2014 of the Kanakakkunnu Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P. UBAID, JUDGE

sd