

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

Crl.MC.No. 3262 of 2015 ()

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CC. NO.710/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
KALAMASSERY.**

CRIME NO. 176/2012 OF KALAMASSERY POLICE STATION, ERNAKULAM.

PETITIONERS/ACCUSED A1 TO 3:

- 1. DR. AJITH KUMAR, SO.GOVINDA PILLAI,
AGED 50 YEARS, VAISAKAM, HOUSE NO.51,
ARAFANAGAR, SOUTH KALAMASSERY,
THRIKKAKKARA NORTH VILLAGE,
KANAYANNOOR TALUK, ERNAKULAM DISTRICT.**
- 2. BABU C.A., AGED 52 YEARS,
S/O.C.A. AYAPPANKUTTY, SHABERI VEEDU,
ARA HOUSE NO.170, ALFIYA NAGAR, SOUTH KALAMASSERY,
THRIKKAKKARA NORTH VILLAGE, KANAYANNOOR TALUK,
ERNAKULAM DISTRICT.**
- 3. JAYADAS, AGED 48 YEARS, S/O.HARIDAS,
KOMATH VEEDU, SATELLITE COLONY,
PADAMUGAL, VAZHAKALA VILLAGE,
KANAYANNOOR TALUK, ERNAKULAM DISTRICT.**

BY ADV. SRI.AJITH MURALI.

RESPONDENTS/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**
- 2. SUNNY P.JOSE, AGED ABOUT 59 YEARS,
S/O.P.P.JOSE, ALAPPAT PALATHIKKAL VEEDU, TC.NO.1415(1),
NADANKODU KARA, CLIFF HOUSE ROAD, KAVADYAR VILLAGE,
THIRUVANANTHAPURAM DISTRICT- 695 001.**

R1 BY PUBLIC PROSECUTOR SMT.S. HYMA.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 04-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

Crl.MC.No. 3262 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

**ANNEXURE A: CERTIFIED COPY OF THE CHARGE SHEET IN
CRIME NO.176/2012 OF KALAMASSERRY POLICE STATION.**

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

P. UBAID, J.

Crl.M.C.No.3262 of 2015

Dated this the 18th day of September, 2015

O R D E R

A prosecution involving the offence under Section 12 of the Protection of Children from Sexual Offences Act, is sought to be quashed by the accused under Section 482 Cr.P.C., on the ground of amicable settlement of the whole dispute out of court. Police registered the crime on the statement given by the juvenile victim aged only 15 years at that time. Now, the father of the victim as guardian has filed affidavit to the effect that the whole dispute stands amicably settled out of court, and he or his child has no complaint or grievance. I am well satisfied that the parties have come to terms, and this is not a case involving any public interest or public issue. It is submitted by the learned Public Prosecutor, on instructions, that the petitioner is not involved in any other case of similar nature.

In so many decisions, the Honourable Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash the prosecution, if the parties have come to

terms amicably out of court. Here, I find a real and genuine case of settlement between the parties. 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. Hence, the petition is allowed. The FIR and further proceedings in Crime No.243/2014 of the Peringom Police Station will stand quashed under Section 482 Cr.P.C.

Sd/-

P. UBAID, JUDGE

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