

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

Crl.MC.No. 3506 of 2015 ()

CRIME NO. 669/2015 OF TOWN NORTH POLICE STATION , PALAKKAD

PETITIONER(S)/ACCUSED:

V.R.RAVEENDRAN AGED 55 YEARS
S/O. RAMAKRISHNAN, LIDIYA NIVAS, VALAYAKAD
NUCHULLY POST, MUNDUR, PALAKKAD
KERALA.

BY ADV. SRI.K.ANAND

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
2. AJITHA K., AGED 37 YEARS,
W/O.RAJAN, POTTAKKAL HOUSE, MANTHAKKAD
MALAMPUZHA POST, PALAKKAD, KERALA – 678 101.

R2 BY ADV. SRI.S.SREENATH
R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 28-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 3506 of 2015

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE A: COPY OF THE FIR IN CRIME NO.669/2015 OF TOWN NORTH
POLICE STATION, PALAKKAD.

ANNEXURE B: AFFIDAVIT FILED BY THE 2ND RESPONDENT DATED
21.5.2015

RESPONDENTS EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.3506 of 2015**  
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Dated this the 28th July, 2015

ORDER

The petitioner herein seeks orders quashing the F.I.R and further proceedings in Crime No.669 of 2015 of Town North Police Station, Palakkad registered under Sections 376, 323 and 420 of Indian Penal Code, on the complaint of one Ajitha. 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 Ajitha is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure.

2. The victim, who made complaint in this case, appeared in court and submitted that she is leading a happy married life with her husband and two children, and continuance of the proceeding will create problems in her matrimony. In fact, on a reading of the complaint, I suspect that everything that happened was consensual. It is really doubtful whether this is in fact a case of rape. Anyway, in the interest of the family, the victim has opted to settle the whole matter, and the parties are now on quite cordial terms. Her

husband has also accepted her and the children. No doubt, continuance of the proceeding will defile their happy matrimony. In such a situation, it is appropriate that further proceedings in the crime be quashed.

3. 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.669 of 2015 of Town North Police Station, Palakkad will stand quashed under Section 482 of the Code of Criminal Procedure.

**Sd/-
P.UBAID
JUDGE**

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/True copy/

P.S to Judge

