

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

Cr1.MC.No. 2384 of 2014

CRIME NO. 227/2014 OF CHAKKARAKKAL POLICE STATION, KANNUR

PETITIONER/ACCUSED:

G. RAJENDRAN, AGED 43 YEARS,
S/O BAPPU,
RESIDING AT KASTHOORICAL (H), KANACHERRY POST,
EACHUR-670591 WITHIN CHAKKARAKKAL POLICE STATION,
KANNUR DISTRICT.

BY ADVS.SRI.C.KHALID
SRI.PHIJO PRADEESH PHILIP

RESPONDENTS/STATE-DEFACTO COMPLAINANT:

1. CIRCLE INSPECTOR OF POLICE
CHAKKARAKKAL POLICE STATION, THROUGH STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, COCHIN-682031.

2. K.AKSHAY KUMAR, AGED 16 YEARS,
S/O SRI. VALSON, SUMESH NIVAS, CHALILMATTA,
VALIYANNUR VILLAGE,
POST VARAM-670594 KANNUR DISTRICT
REPRESENTED BY FATHER, GUARDIAN K. VALSON
SUMESH NIVAS, CHALILMATTA, VALIYANNUR VILLAGE,
POST VARAM-670594, KANNUR DISTRICT.

R2 BY ADV. SRI.SHOBY K.FRANCIS
R1 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 10-03-2015, ALONG WITH CRL.M.C NO.5572/2014 THE COURT ON THE
SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 2384 of 2014

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: THE COPY OF THE FIR IN CRIME NO.227/2014 DATED
10.3.2014.

ANNEXURE A1(A): THE COPY FI STATEMENT IN CRIME NO.227/2014 DATED
10.3.2014.

ANNEXURE A2: THE COPY OF FIR IN CRIME NO.233/2014 DATED
11.3.2014.

ANNEXURE A2(A): THE COPY FI STATEMENT IN CRIME NO.233/2014 ON
DATED 11.3.2014.

ANNEXURE A3: AFFIDAVIT OF THE DEFACTO COMPLAINANT DATED 12.4.14.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C Nos.2384 & 5572 of 2014

Dated this the 10th day of March, 2015

O R D E R

The petitioner in Cri.M.C No.2384/2014 is the first accused in Crime No.227/2014 of the Chakkarakkal Police Station, and the petitioners in Crl.M.C No.5572/2014 are accused Nos.2 to 5 in the crime registered under Sections 143, 147, 341, 323 and 363 r/w 149 of the Indian Penal Code and also under Section 3(1)(x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, on the complaint of one Akshay Kumar, S/o.Vasan, aged 16 years. The petitioners now seek orders quashing the FIR and further proceedings in crime on the ground of amicable settlement made out of court. The father of the minor complainant and the accused have come to terms amicably out of court. The petitioners are in fact the relatives and neighbours of the complainant. The father of the complainant has filed affidavit in both the proceedings to the effect that the whole dispute now stands settled and he and his son have no grievance or complaint. In fact on a perusal of the complaint I find that the complaint lacks essentials of the offence

punishable under Section 3(1)(x) of the SC/ST Act. For a prosecution under the said section the alleged offence of abuse or humiliation of a member of the Scheduled Caste must have committed within public view. The complaint itself shows that nobody other than the complainant had heard or seen the alleged abuse. It appears that the alleged incident happened at the house compound of the complainant. There is nothing in the complaint to show that the alleged act of offence was committed within public view. Anyway, the parties have now come to terms amicably out of court and now they are on quite cordial terms, being relatives and neighbours. No doubt, continuance of the prosecution will cause harm and hardship to both the parties.

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 revisional stage; if the parties have really settled the whole dispute, or if continuance of the 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.227/2014 of the Chakkarakkal Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**

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