

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

Crl.M.C.No. 3579 of 2015 ()

IN SC 128/2013 of ASSISTANT SESSIONS COURT, CHERTHALA

PETITIONER/ACCUSED:

PRATHEESH AGED 34 YEARS
S/O MOHANAN, KALATHIL VEEDU, WARD NO.XVII
CHELLANAM PANCHAYATH, KOCHI TALUK, ERNAKULAM DISTRICT.

BY ADV. SRI.C.K.SAJEEV

RESPONDENTS/COMPLAINANT & DE-FACTO COMPLAINANT (CW-1):

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. BEENA, AGED 31 YEARS
W/O XAVIER, THEKKEKALATHUNKAL VEEDU, WARD NO:XVII
CHELLANAM PANCHAYATH, KOCHI TALUK
ERNAKULAM DISTRICT-682 007.

R2 BY ADV. SRI.VINCENT JOSEPH
R BY PUBLIC PROSECUTOR, SMT.V.H.JASMINE

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
11-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 3579 of 2015 ()

APPENDIX

PETITIONER'S ANNEXURES

ANNEXURE 1: CERTIFIED COPY OF THE FINAL REPORT IN S.C.NO.128/13 OF
THE ASST. SESSIONS COURT, CHERTHALA.

RESPONDENTS' ANNEXURES : NIL

//TRUE COPY//

P.A. TO JUDGE

sm

P. UBAID, J.

Crl.M.C. No. 3579 of 2015

Dated this the 11th day of August, 2015

ORDER

The petitioner herein is the accused in S.C.No.128/2013 on the file of the Assistant Sessions Court, Cherthala. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Sections 376, 493 IPC and Section 67 of the Information Technology Act on the complaint of one Beena, who is the 2nd 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 now.

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 in pending proceedings, if the parties have really settled the whole dispute amicably out of court, and continuance of further proceedings will not serve any purpose in such a circumstance

of amicable settlement. Here, I find a real and genuine case of settlement between the parties. This is not a case involving any public interest or public issue. The parties have come to terms amicably on the intervention of persons acceptable to both sides, and I am satisfied that the parties are now on quite cordial terms. 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.

3. The victim of offence appeared in Court before me as directed, and submitted that she had been in love with the petitioner herein, and she happened to prefer a complaint against him on some misapprehension when the petitioner thought of abandoning her. On interacting with the victim, I find that everything that happened between them was purely consensual, and that she made a complaint when she thought that it was not possible to join the petitioner in matrimony, when he has his own wife and children. The victim affirmed before me that she settled the dispute quite voluntarily, without the intervention or compulsion of anybody, that she has a son with

her, and that she thought of a settlement in the best interest of her son. She does not want to prosecute the matter, and she apprehends that continuance of the prosecution will cause further problems in her life. In such situation, it is appropriate in the best interest of the victim and her family, that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioner herein in S.C.No.128/2013 on the file of the Assistant Sessions Court, Cherthala, will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

Sd/-
P. UBAID, JUDGE

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