

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

Crl.MC.No. 3652 of 2015

SC NO. 45/2013 OF DISTRICT AND SESSIONS COURT, KALPPETTA

CRIME NO. 155/2011 OF MEPPADY POLICE STATION , WAYANAD

PETITIONERS/ACCUSED 1&2 :-

1. ARUN @ ARUN RAJ, AGED 26 YEARS,
S/O.RAMASWAMY, AYISHAPADIYIL HOUSE, ESTATEPADI,
VATTAPPARA, OLD VYTHIRI, KUNNATHIDAVAKA AMSOM,
VYTHIRI TALUK, WAYANAD DISTRICT,
NOW RESIDING AT ELAMBILERY COLONY, MEPPADY P.O.,
KOTTAPADY AMSOM, VYTHIRI TALUK, WAYANAD DISTRICT
2. SHOBHA R, AGED 45 YEARS,
D/O.ALAKAMMA, RESIDING AT CHEARITY AMBADKER COLONY,
VYTHIRI, KUNNATHIDAVAKA AMSOM, VYTHIRI TALUK ,
WAYANAD DISTRICT.

**BY ADVS.SRI.P.K.VARGHESE
SMT.SINDHU S KAMATH**

RESPONDENTS/STATE & DEFACTO COMPLAINANT :-

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
2. SALINI, AGED 23 YEARS,
D/O.NARAYANAN RESIDING AT ELAMBILERY COLONY,
MEPPADY P.O., KOTTAPADY AMSOM, VYTHIRI TALUK,
WAYANAD DISTRICT.

**R1 BY SMT.V.H.JASMINE, PUBLIC PROSECUTOR
R2 BY ADV. SRI.E.C.BINEESH**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 22-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 3652 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE 1 :- CERTIFIED COPY OF THE CHARGE SHEET IN CRIME NO.155/2011
OF MEPPADY POLICE STATION.**

**ANNEXURE 2 :- A TRUE COPY OF THE AFFIDAVIT SWORN BY 2ND RESPONDENT
DATED 14/6/2015.**

RESPONDENT(S)' ANNEXURES :- NIL

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//TRUE COPY//

P.A. TO JUDGE

P.UBAID, J.

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Crl.M.C.No.3652 of 2015

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Dated this the 22nd day of July, 2015

ORDER

The petitioners herein are the accused Nos. 1 and 2 in S.C.No.45 of 2013 of the District and Sessions Court, Kalpetta. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between them and the de facto complainant. Crime in this case was registered under Sections 366, 376 and 420 read with Section 34 of Indian Penal Code on the complaint of one Salini, 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

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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's affidavit shows that the 1st petitioner has married her and that they are now leading a very happy matrimony with two children born in the relationship. In such a situation, continuance of the prosecution will cause hardship, harm and embarrassment to the couple and the children. It is appropriate that the prosecution be quashed in the best interest of the family.

In the result, this petition is allowed. The prosecution against the petitioners herein in S.C.No.45 of 2013 of the District and Sessions Court, Kalpetta will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

Sd/-
P.UBAID
JUDGE

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//TRUE COPY//

P.A. TO JUDGE