

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

Cr1.MC.No. 3796 of 2015  
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CRIME NO. 346/2015 OF KATTOOR POLICE STATION , TRISSUR

PETITIONER/ACCUSED :  
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KUMARI, AGED 55 YEARS,  
W/O. KUMARAN, VADASSERY HOUSE, PADIYOOR,  
KOOHATTUKULAM VILLAGE, THRISSUR, KERALA.

BY ADVS.SRI.M.R.VENUGOPAL  
SMT.DHANYA P.ASHOKAN

RESPONDENTS/COMPLAINANT:  
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1. STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM-682 031.
2. THE SUB INSPECTOR OF POLICE  
KATTOOR POLICE STATION,  
THRISSUR DISTRICT-688 526.
3. VARSHA, AGED 28 YEARS,  
W/O. VIPIN KUMAR, RESIDING AT VADASSERY HOUSE,  
P.O.PADIYOOR, THRISSUR-680 668.

R3 BY ADV. SRI.SOJAN MICHEAL  
RI & R2 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 20-08-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

Cr1.MC.No. 3796 of 2015

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APPENDIX

PETITIONER'S ANNEXURES:

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ANNEXURE A : COPY OF THE FIR IN CRIME NO.346/2015 OF KATTOOR  
POLICE STATION.

ANNEXURE B : AFFIDAVIT SWORN INTO BY THE 3RD RESPONDENT.

RESPONDENTS' ANNEXURES:

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NIL

//TRUE COPY//

P.A TO JUDGE

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**P.UBAID, J.**

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**Crl.M.C No.3796 of 2015**  
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Dated this the 20<sup>th</sup> day of August, 2015

**O R D E R**

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.346/2015 of the Kattoor Police Station, Thrissur, registered under Section 7 r/w 8 of the Protection of Children from Sexual Offences Act on the complaint of one George. 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 victim was aged only 4 ½ years and the accused is none other than victim's grand mother. In fact there is something suspicious. The affidavit of the complainant, who is the mother of the victim, shows that the complaint in fact happened to be made on some misapprehension. Now the whole problem stands resolved, and it is submitted that the child is now safe with the mother and the grand mother. Nobody has any sort of apprehension now, and everybody believes that the child would be safe at home. In such a situation continuance of the prosecution may cause hardship and embarrassment to both the parties. It is appropriate that the

pending prosecution be quashed.

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.346/2015 of the Kattoor Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID  
JUDGE**

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