

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

Cr1.M.C.No. 3902 of 2015

IN S.C NO. 1317/2008 SESSIONS COURT, THRISSUR

CRIME NO. 794/2001 OF IRINJALAKUDA POLICE STATION, THRISSUR

PETITIONER/2ND ACCUSED:

PRADOSH, AGED 42 YEARS,
S/O.SEKHARAN, PURAYATTUPARAMBIL HOUSE,
PUTHENTHODE,
KARUVANNUR, PORATHUSSERY VILLAGE,
THRISSUR DISTRICT

BY ADVS.SRI.SANTHOSH P.PODUVAL
SMT.R.RAJITHA
SMT.VINAYA V.NAIR

RESPONDENTS/STATE & DEFACTO COMPLAINANT & VICTIM:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM
2. VIJAYANATHAN,
S/O.ITTAMAN, KATHANAPARAMBIL HOUSE, ETTUMUNA,
KARUVANNUR, THRISSUR 680711
3. LAKSHMI, AGED 31 YEARS,
D/O.SUMITHRAN, KATHANAPARAMBIL HOUSE, ETTUMANA,
KARUVANNUR, THRISSUR 680711

R2-R3 BY ADV. SRI.M.REVIKRISHNAN
R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 14-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 3902 of 2015

APPENDIX

PETITIONER'S ANNEXURES

ANNEXURE A: COPY OF THE FIR IN CRIME NO.794/2001 IRINJALAKKUDA
POLICE STATION

ANNEXURE B: COPY OF THE CRIME NO.794/2001 IRINJALAKKUDA POLICE
STATION

ANNEXURE C:AFFIDAVIT SWORN BY THE 2ND RESPONDENT

ANNEXURE D:AFFIDAVIT SWORN BY THE 3RD RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.3902 of 2015

Dated this the 14th day of July, 2015

O R D E R

The petitioner herein is the 2nd respondent in S.C No.1317/2008 of the Court of Session, Thrissur. He seeks orders quashing the prosecution as against him under Section 482 of the Code of Criminal Procedure. Crime in the said case was registered on the complaint of one Vijayanathan. After investigation the police submitted final report against two accused under Sections 366(A) and 376 r/w 511 of the Indian Penal Code. The victim of offence in this case is the daughter of the complainant's brother. Now the victim has come to terms with the petitioner herein and she has also filed affidavit to that effect. In the first information statement in this case there is no allegation against the petitioner herein. The allegation of attempted rape is seen made only against the 1st accused. It appears that the police submitted final report against the petitioner herein because he had also accompanied the 1st accused. Any way the victim and the 2nd accused have now come to terms, and she has no grievance or complaint against the 2nd accused.

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 the prosecution will not serve any purpose in such a circumstance of amicable settlement. Here, I am definite that nobody will support the prosecution if the case against the petitioner goes to trial. It is submitted that the 1st accused has already absconded and that the victim wants to prosecute the matter against the 1st accused. I am well satisfied that there is a real settlement between the parties. In such a situation, continuance of the prosecution against the petitioner will not serve any purpose other than wasting the precious time of the court.

In the result, this petition is allowed. The prosecution against the petitioner herein in S.C No.1317/2008 of the Court of Session, Thrissur will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**

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