

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

Crl.MC.No. 4031 of 2015 (E)

CRIME NO. 1031/2014 OF PULIKKEEZHU POLICE STATION , PATHANAMTHITTA

PETITIONER/ACCUSED :-

**SUJITH @ APPU, AGED 19 YEARS,
PANCHAYATH MUKKU, OPPOSITE MAYIL MUKKU,
NIRANAM P.O., KADAPRA,
PATHANAMTHITTA.**

**BY ADVS.SRI.P.HARIDAS
SRI.P.C.SHIJIN**

RESPONDENT(S)/STATE, COMPLAINANT AND DEFACTO COMPLAINANT :-

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA - 682 031.**
- 2. SUB INSPECTOR OF POLICE,
PULIKKEZHU POLICE STATION,
PATHANAMTHITTA DISTRICT - 689 645.**
- 3. SUJATHA,
W/O. BABU, KANDATHIL HOUSE, NIRANAM P.O.,
KADAPRA, PATHANAMTHITTA DISTRICT - 689 645.**
- 4. RESHMA, AGED 17 YEARS,
MINOR, D/O. SUJATHA, KANDATHIL HOUSE,
NIRANAM P.O., KADAPRA, PATHANAMTHITTA DISTRICT,
REPRESENTED BY HER MOTHER SUJATHA, W/O. BABU,
KANDATHIL HOUSE, NIRANAM P.O., KADAPRA,
PATHANAMTHITTA DISRICT - 689 645.**

**R1 BY SMT.V.H.JASMINE, PUBLIC PROSECUTOR
R3 & R4 BY ADV. SRI.R.GIREESH VARMA**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 30-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 4031 of 2015 (E)

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE -1 - CERTIFIED COPY OF FIR NO. 1031/2014 OF PULIKKEEZHU
POLICE ALONG WITH COMPLAINT AND FIS DATED 24.9.2014.**

**ANNEXURE -2 - NOTARIZED AFFIDAVIT BY THE 3RD RESPONDNET
DATED 22.6.2015.**

**ANNEXURES -2(A) - NOTARIZED AFFIDAVIT BY THE DAUGHTER OF THE 3RD
RESPONDENT DATED 22.6.2015.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.4031 of 2015

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Dated this the 30th day of July, 2015

ORDER

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.1031 of 2014 of Pulikkeezhu Police Station, registered under Sections 452, 354, 354D(1)(i), 506(1), 294(b) and read with Section 34 of the Indian Penal Code on the complaint of one Sujatha. 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 de facto complainant is the 3rd 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. The other victim of the offence is the 4th respondent. She has also filed affidavit to the effect that she has settled the 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 prosecution; be it at the crime stage or at the trial stage or even at the appellate or revision stage; if the parties have really settled the whole dispute or if continuance of 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.

3. The victim appeared before me as directed by the Court, and submitted that she happened to prefer a complaint against the petitioner on some misapprehension. It is in fact doubtful whether the complainant in this case will make the offences alleged. The victim now says that the petitioner had approached her with marriage proposal, but her family was not interested to proceed with the same. If that is the case, there cannot be a prosecution under the Protection of Children from Sexual Offences Act. Anyway, both the parties have come terms. The victim has filed affidavit to the fact that the dispute stands settled, and the parties are now on cordial terms.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.1031 of 2014 of Pulikkeezhu Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE