

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. 4158 of 2015

C.C.NO.76/2014 OF CHIEF JUDICIAL MAGISTRATE, PATHANAMTHITTA

CRIME NO. 388/2014 OF KOIPURAM POLICE STATION , PATHANAMTITTA

PETITIONER/ACCUSED :-

**DAISY, W/O.ANANDAN,
VADAKETHIL HOUSE,
KANJIRAPARA,
KURUNGZHA MURI AND P.O.,
KOIPURAM VILLAGE,
THIRUVALLA TALUK,
PATHANAMTHITTA DISTRICT.**

**BY ADVS.SRI.ABRAHAM SAMSON
SMT.LOVELY SAMSON**

RESPONDENTS/STATE AND DE-FACTO COMPLAINANT :-

- 1. THE STATE OF KERALA,
REPRESENTED BY THE STATION HOUSE OFFICER,
KOIPURAM POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM
KOCHI-682031.**
- 2. HEMALATHA, W/O. RAVEENDRAN, MOTHER OF KARTHIK,
S/O RAVEENDRAN, AGED 44 YEARS,
VADAKKECHARUVIL HOUSE, KANJIRAPARA,
KURUNGZHA MURI & P.O., KOIPURAM VILLAGE,
THIRUVALLA TALUK, PATHANAMTHITTA DISTRICT-689548.**

**R1 BY SMT.V.H.JASMINE,PUBLIC PROSECUTOR
R2 BY ADV. SRI.SANTHAN V.NAIR**

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

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Crl.MC.No. 4158 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE I :- CERTIFIED COPY OF F.I.R OF THE KOIPURAM POLICE STATION IN
CRIME NO.388/14 DATED 21.4.2014.**

**ANNEXURE II:- TRUE COPY OF THE FINAL REPORT DATED 30.4.2014 FILED BEFORE
THE C.J.M., PATHANAMTHITTA.**

**ANNEXURE III:- TRUE COPY OF THE AFFIDAVIT EXECUTED BY THE 2ND
RESPONDENT THE DE-FACTO COMPLAINANTS MOTHER OF
KARTHIK DATED 1.7.2015.**

RESPONDENT(S)' ANNEXURES :- NIL

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//TRUE COPY//

P.A. TO JUDGE

P.UBAID, J.

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Crl.M.C.4158 of 2015

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Dated this the 22nd day of July, 2015

ORDER

The petitioner herein is the accused in Crime No.388 of 2014 of the Koipuram Police Station registered under Sections 294(b), 323 of IPC and Section 23 of the Juvenile Justice Act (Care and Protection of Children) Act. Cognizance was taken by the learned Chief Judicial Magistrate Court, Pathanamthitta as C.C.No.76 of 2014 The case now stands transferred to the register of long pending cases as L.P.No.9 of 2015. Crime in this case was registered on the complaint of one Hemalatha, 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. On a perusal of the complaint in this case, I find that the prosecution under Section 23 of the Juvenile Justice Act is quite unsustainable. The accused in this case is not a person having charge or control over the Juvenile. Somebody other than the person having charge or control of Juvenile cannot be prosecuted under Section 23 of the Juvenile Justice Act. This is at the most a case of simple assault on a Juvenile. The said offence is compoundable. As regards Section 294(b) IPC also, I find nothing in the complaint. Anyway, now the parties have come to terms, and the mother of the Juvenile has amicably settled the dispute in this case with the accused.

In the result, this petition is allowed. The prosecution against

the petitioner herein in L.P.No.9 of 2015. Chief Judicial Magistrate Court, Pathanamthitta will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P.UBAID
JUDGE

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//TRUE COPY//

P.A. TO JUDGE