

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. 4384 of 2015 (E)

SC NO.978/2013 OF PRINCIPAL ASSISTANT SESSIONS COURT, KOLLAM

CRIME NO. 425/2012 OF KILIKOLLOOR POLICE STATION, KOLLAM

PETITIONER/ACCUSED :-

**RAJEEV FERNANDES, AGED 34 YEARS,
S/O. SENDRIN, RAJINI BHAVAN,
NEAR ST.JUDE HIGH SCHOOL,
NADUVILAKKARA, THRIKKOVILVATTOM VILLAGE,
KOLLAM DISTRICT.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRA KRISHNAN
SRI.V.VINAY**

RESPONDENTS/INFORMANT/STATE :-

- 1. STATE OF KERALA,
REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM - 682031
(CRIME NO.425/2012 OF
KILIKOLLOOR POLICE STATION,
KOLLAM DISTRICT)**
- 2. SHEEJA, AGED 41 YEARS,
D/O. NABEEZA, KALAYIL HOUSE,
ROYAL NAGAR-42,
KILIKOLLOOR VILLAGE, KOLLAM DISTRICT.**

**R1 BY SMT.S.HYMA, PUBLIC PROSECUTOR
R2 BY ADV. SRI.VINOD KUMAR.C**

**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. 4384 of 2015 (E)

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE 1: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.425/2012 OF
KILIKOLLOOR POLICE STATION.**

**ANNEXURE II: TRUE COPY OF THE WOUND CERTIFICATE OF THE 2ND
RESPONDENT.**

**ANNEXURE II: AFFIDAVIT SWORN BY THE INFORMANT/RESPONDENT DATED
17.02.2014.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.4384 of 2015

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Dated this the 30th day of July, 2015

ORDER

The petitioner herein is the accused in S.C.No.978 of 2013 of the Principal Assistant Sessions Court, Kollam. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Sections 341, 323, 354, 307 and 506(i) of the Indian Penal Code and Section 66(E) of the Information Technology Act on the complaint of one Sheeja, 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. The victim appeared before me as directed by the Court, and submitted that she happened to make a complaint against the petitioner on some misapprehension. She submitted that she had been residing separately for three years from the petitioner, and that the complainant in this case arose out of some disputes in their relationship. She also submitted that many things were incorporated in the complaint by the police to strengthen the case, and the petitioner had not in fact made any attempt on her life. On a perusal of the materials, I find nothing definite to attract Section 307 IPC. There is reason to believe that the police incorporated Section 307 IPC in the proceedings on the basis of some hypothetical statements. The victim submits that she has no grievance or complaint, and she has come to terms voluntarily. The whole disputes stand resolved forever. In such a situation, continuance of the prosecution will definitely cause problems in her life, and also in the life of the petitioner. It is appropriate that the prosecution be quashed in such a situation. It is submitted by the counsel that the petitioner's mobile phone is in Court custody. It can be released to him after destroying or deleting the objectionable materials.

In the result, this petition is allowed. The prosecution against the petitioner herein in S.C.No.978 of 2013 of the Principal Assistant Sessions Court, Kollam will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE