

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

Cr1.MC.No. 4434 of 2015

IN SC 428/2014 OF THE SESSIONS COURT, KOLLAM

CRIME NO. 509/2014 OF PUTHOOR POLICE STATION, KOLLAM

PETITIONER/ACCUSED:

SANU T, AGED 32 YEARS,
S/O.THANKACHAN, SOUMYA BHAVAN,
VETTIKOTTU AMBELIL BHAGAM, KULAKKADA MURI,
KALAYAPURAM VILLAGE, KOTTARAKKARA TALUK,
KOLLAM DISTRICT.

BY ADV. SRI.ALEXANDER GEORGE

RESPONDENTS/STATE/COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. STATION HOUSE OFFICER,
PUTHOOR POLICE STATION, KOLLAM DISTRICT-682031.
3. SOUMYA, AGED 18 YEARS,
D/O SYMALA, SOUMYA BHAVAN, VETTIKOTTU AMBELIL BHAGAM,
KULAKKADA MURI, KALAYAPURAM VILLAGE, KOTTARAKARA TALUK
KOLLAM DISTRICT-691506.
4. SYAMALA,, AGED 47 YEARS,
D/O SAROJINI, SOUMYA BHAVAN, VETTIKOTTY AMBELIL BHAGAM,
KULAKKADA MURI, KALAYAPURAM VILLAGE
KOTTARAKKARA TALUK, KOLLAM DISTRICT.

R3 & 4 BY ADV. SRI.D.SREEKUMAR (KALAMASSERY)

R1 & R2 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJURAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 4434 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE NO.I : PHOTOCOPY OF THE CHARGE SHEET IN CRIME
NO.509/2014 OF PUTHOOR POLICE STATION NOW PENDING AS S.C.428/2014
BEFORE THE HON'BLE DISTRICT & SESSIONS COURT,KOLLAM.

ANNEXURE-NO.II COPY OF THE MARRIAGE CERTIFICATE OF THE THIRD
RESPONDENT

ANNEXURE-NO.III: AFFIDAVIT FILED BY THE THIRD RESPONDENT

ANNEXURE-NO.IV: AFFIDAVIT FILED BY THE FOURTH RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.4434 of 2015

Dated this the 15th day of July, 2015

O R D E R

The petitioner herein is the sole accused in S.C No.428/2014 of the District and 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 7 and 8 of Protection of Children from Sexual Offences Act on the complaint of one Soumya, who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. She and her mother Syamala, who is the 4th respondent herein, have filed affidavit to the effect that they have settled the whole dispute with the accused, and they have no grievance or complaint now.

2. It is submitted that the victim Soumya has already been given in marriage. The petitioner is none other than her step-father. I find that the amicable settlement made by the parties will have to be accepted for the welfare of the victim girl.

3. 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 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. 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.

In the result, this petition is allowed. The prosecution against the petitioner herein in S.C No.428/2014 of the District and 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.

**P.UBAID
JUDGE**

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