

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

Crl.MC.No. 3262 of 2014 ()

CRIME NO. 243/2014 OF PERINGOME POLICE STATION , KANNUR DISTRICT

PETITIONER/ACCUSED:

**JIGO VARGHESE, AGED 29 YEARS
S/O.M.M.VARGHESE, MECHERIL HOUSE, KEEZHOR
MULAKULAM VILLAGE, VAIKOM TALUK, KOTTAYAM DISTRICT.**

BY ADV. SRI.M.J.THOMAS

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

**1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

**2. AMAL SIBI, S/O.SIBI, OLICKAL HOUSE,
THAYYENI, THAYYENI.P.O., PALAVAYAL VILLAGE
VELLARIKUNDU TALUK, KASARGOD-670511.**

**R2 BY ADV. SRI.JOSE PALLATTUKARAN
R1 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18-09-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE A- CERTIFIED COPY OF THE FIR IN CRIME NO.211/2014 OF THE ALACODE
POLICE STATION.**

**ANNEXURE B- CERTIFIED COPY OF THE FIR IN CRIME NO.243/2014 OF PERINGOM
POLICE STATION WITH FIS OF THE DEFACTO COMPLAINANT.**

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.3262 of 2014

Dated this the 18th day of September, 2015

O R D E R

A prosecution involving the offence under Section 12 of the Protection of Children from Sexual Offences Act, is sought to be quashed by the accused under Section 482 Cr.P.C., on the ground of amicable settlement of the whole dispute out of court. Police registered the crime on the statement given by the juvenile victim aged only 15 years at that time. Now, the father of the victim as guardian has filed affidavit to the effect that the whole dispute stands amicably settled out of court, and he or his child has no complaint or grievance. I am well satisfied that the parties have come to terms, and this is not a case involving any public interest or public issue. It is submitted by the learned Public Prosecutor, on instructions, that the petitioner is not involved in any other case of similar nature.

In so many decisions, the Honourable Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash the prosecution, if the parties have come to

terms amicably out of court. Here, I find a real and genuine case of settlement between the parties. 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. Hence, the petition is allowed. The FIR and further proceedings in Crime No.243/2014 of the Peringom Police Station will stand quashed under Section 482 Cr.P.C.

Sd/-

P. UBAID, JUDGE

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