IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

Crl.MC.No. 4544 of 2015

IN C.C NO.757/2005 of J.M.F.C.-II, NEYYATTINKARA (L.P NO.45/2010)

CRIME NO. 610/2005 OF PARASSALA POLICE STATION, THIRUVANANDAPURAM

PETITIONER/ACCUSED:

SHINE,
S/O.NJANADAS, THEKKINKARA PUTHEN VEEDU,
NEDIYAMCODE
PARASSUVAIKKAL, NEYYATTINKARA.

BY ADV. SRI.G.SUDHEER

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

1. **STATE OF KERALA,**
   REPRESENTED BY THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM - 682 031.

2. **DHANYA, AGED 24 YEARS,**
   S/O.SAROJAM, DHANYA BHAVAN, KONNANNOORKONAM,
   NEDIYAMCODE, MEKKOLLA DESOM, KOLLAYIL VILLAGE,
   NEYYATTINKARA-695121.

R2 BY ADV. SRI.S.K.VINOD
R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 20-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 4544 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE-A COPY OF FIR IN CRIME NO.610/2005 DATED 30.7.2015 PREPARED BY THE PARASSALA POLICE STATION

ANNEXURE-B COPY OF THE FINAL REPORT SUBMITTED BY THE SUB INSPECTOR OF POLICE, PARASSALA POLICE STATION BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II,NEYYATTINKARA

ANNEXURE-C AFFIDAVIT SWORN BY THE DEFACTO COMPLAINANT SIGNED BEFORE THE NOTARY PUBLIC DATED 7.7.2015.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.4544 of 2015

Dated this the 20th day of July, 2015

O R D E R

The petitioner herein is the accused in C.C No.757/2005 of the Judicial First Class Magistrate Court II, Neyyattinkara. 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 Section 354 of the Indian Penal Code on the complaint of one Dhanya, 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 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. The alleged incident happened when the victim was aged only 14 years, and now she is aged 24 years. No doubt, continuance of the prosecution will adversely affect her marriage prospects. 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 C.C No.757/2005 of the Judicial First Class Magistrate Court II, Neyyattinkara 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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