

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

Crl.MC.No. 4569 of 2015 ()

AGAINST SC 1300/2014 of I ADDL.SESIONS COURT, KOLLAM
CRIME NO. 45/2011 OF KOLLAM EAST POLICE STATION , KOLLAM

PETITIONER(S)/ACCUSED:

ANWAR SANOOJ AGED 40 YEARS
S/O.ABDUL RASHEED, KOIKKALAZHIKOM VEEDU
BHARANIKKAVU NAGAR, THEKKEVILA CHERI
MUNDAKKAL VILLAGE, KOLLAM-691016.

BY ADVS.SRI.SHABU SREEDHARAN
SRI.S.VIJAYAN
SRI.T.S.PRASANNAKUMAR
SRI.K.V.PREMSANKAR
SMT.RESHMA ABDUL RASHEED

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

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1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
 2. AJITHA, AGED 30 YEARS
D/O.RATHNAMMA, SREE NILAYAM, BHARANIKKAVU NAGAR
THEKKEVILA CHERI, MUNDAKKAL VILLAGE, KOLLAM-691016.

BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
28-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 4569 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-1: THE TRUE COPY OF THE STATEMENT DATED 10/1/2011.
ANNEXURE-2: THE CERTIFICATE OF MEDICAL EXAMINATION DATED 18/1/2011.
ANNEXURE-3: THE CERTIFIED COPY OF THE CHARGE SHEET IN CRIME
NO.45/2011 OF THE KOLLAM EAST POLICE STATION DATED 19/8/2011.
ANNEXURE-4: THE ORIGINAL AFFIDAVIT SWORN IN BY THE 2ND RESPONDENT
DATED 17.7.2015.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.4569 of 2015**  
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Dated this the 28th July, 2015

ORDER

The petitioner herein is the accused in S.C No.1300 of 2014 of the First Additional 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 376 of Indian Penal Code and under Sections 66A and 67 of the Information Technology Act, on the complaint of one Ajitha, 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. The victim appeared before me in person as directed by me, and submitted that she has settled the case quite voluntarily, in her best interest. She also

submitted that she happened to make a complaint against the petitioner on some misapprehension. She is now aged 33 years. She says and there are marriage proposals now. She submits that a person has expressed his willingness to marry her knowing everything about the case, and she fears that if the case continues, it will create problems in her life. I am well satisfied from her versions in court that she decided to settle the dispute quite voluntarily, without compulsion by anybody, and that she thought of a settlement in her best interest. I am satisfied that if the prosecution continues, it will definitely cause problems in her matrimony, and thereby she will lose a happy matrimony. In fact, on a reading of the complaint I find it doubtful whether this is in fact a clear case of rape. Anyway, in her own best interest, the victim has come to terms, and she is hopeful that she could get a happy matrimony if the prosecution is closed. In such a situation, it is appropriate that the prosecution be closed.

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, 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.

In the result, this petition is allowed. The prosecution against the petitioner herein in S.C No.1300 of 2014 of the First Additional 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**

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/True copy/

P.S to Judge