

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

Crl.MC.No. 4926 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN CMP 435/2014 of J.M.F.C.,AMBALAPUZHA
DATED
CRIME NO. 96/2014 OF PUNNAPRA POLICE STATION , ALAPPUZHA

PETITIONER(S)/ACCUSED 1 & 2:

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1. ANURAJ AGED 21 YEARS
S/O.RAJU, KATTUNGAL VELI, PUNNAPRA PO
ALAPPUZHA DISTRICT.
 2. SHOBHANA AGED 44 YEARS
W/O.RAJU, KATTUNGAL VELI, PUNNAPRA PO
ALAPPUZHA DISTRICT.

BY ADV. SMT.BHAVANA VELAYUDHAN

RESPONDENT(S)/DEFACTO COMPLAINANT & STATE:

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1. SUCHITHRA.S, AGED 25 YEARS
D/O.BABURAJ, MADALVELY, KAPPAKADA
PUNNAPRA NORTH PO, ALAPPUZHA DISTRICT.
 2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
(REPRESENTING SUB INSPECTOR OF POLICE
PUNNAPRA POLICE STATION, ALAPPUZHA DISTRICT)

R1 BY ADV. SRI.G.PRIYADARSAN THAMPI
R BY PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
13-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 4926 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1 : CERTIFIED COPY OF THE CMP NO.435/2014 FILED BY THE 1ST
RESPONDENT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
AMBALAPPUZHA.

ANNEXURE A2 : CERTIFIED COPY OF THE FIR IN CRIME NO.96/2014 OF
PUNNAPRA POLICE STATION.

ANNEXURE A3 : AFFIDAVIT SWORN TO BY THE 1ST RESPONDENT/COMPLAINANT

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.4926 of 2015**  
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Dated this the 13th August, 2015

ORDER

The petitioners herein are the two accused in Crime No.96 of 2014 of Punnapra Police Station. They seek orders quashing the crime on the ground of amicable settlement of the whole dispute between them, and the de facto complainant. Crime in this case was registered under Sections 313, 315, 354, and 376 read with 34 of Indian Penal Code on the complaint of one Suchithra, who is the 1st 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 of offence appeared before me as directed by the court, and submitted that she had been in love with the 1st petitioner, and she had lived with him for sometime. But later, they fell apart, and in such a situation, when she thought that she was cheated, she made a complaint against the 1st petitioner. She submitted that

such a complaint happened to be made on some misapprehension, and that she has no grievance or complaint now. On interacting with her, I find that whatever happened between her and the 1st petitioner was purely consensual, and they lived happily for some time as man and wife. Now she does not want to continue the relationship with him and she also does not insist that the 1st petitioner should marry her. She now hates him and she wants separation. Her mother also submitted before me that the whole case was settled in the best interest of the victim and her daughter, and that if the present case is closed, the victim could be married away. I am well satisfied that the settlement was made in the best interest of the victim and her daughter, and that continuance of the prosecution will cause problems to the victim. In such a situation, it is appropriate that the pending prosecution be quashed.

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 F.I.R and further proceedings in Crime No.96 of 2014 of Punnapra Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**Sd/-
P.UBAID
JUDGE**

ma

/True copy/
P.S to Judge

**P.UBAID
JUDGE**

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