

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937**

**Crl.MC.No. 6084 of 2015 ()**

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SC 2082/2014 of I ADDITIONAL SESSIONS COURT, THIRUVANANTHAPURAM  
CRIME NO. 200/2014 OF MEDICAL COLLEGE POLICE STATION ,  
THIRUVANANTHAPURAM  
=====**

**PETITIONERS/ACCUSED 1 AND 2:**

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- 1. RAJESHWARI, AGED 50 YEARS, D/O. KUNJULAKSHMI  
PT CHACKO NAGAR, MYTHRI NAGAR, MGRA 8  
PATTAM, THIRUVANANTHAPURAM**
- 2. SHYMA, W/O. SATHEESHCHANDRA, AGED 36 YEARS  
TC 40/461(1), CHIRAG HOUSE, 3RD PUTHEN STREET  
MUTTATHARA, THIRUVANANTHAPURAM**

**BY ADVS.SRI.SUMAN CHAKRAVARTHY  
SMT.K.R.RIJA**

**RESPONDENTS/STATE AND CW2 &CW1:**

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- 1. THE STATE OF KERALA, REPRESENTED BY ITS  
PUBLIC PROSECUTOR, HIGH COURT OF KERALA -682031**
- 2. GEETHA, AGED 48 YEARS, HOUSE NO. 849  
LAKSHAM VEEDU COLONY, THATTATHUMALA  
PAZHAYAKUNNUMEL, CHIRAYINKEEZH  
THIRUVANANTHAPURAM-695001**
- 3. SAJANA, D/O. GEETHA, AGED 26 YEARS, HOUSE NO. 849  
LAKSHAM VEEDU COLONY, THATTATHUMALA  
PAZHAYAKUNNUMEL, CHIRAYINKEEZH  
THIRUVANANTHAPURAM-695001**

**R2,R3 BY ADV. SRI.K.B.PRADEEP  
R1 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 10-09-2015, THE  
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**APPENDIX**

**PETITIONERS' EXHIBITS**

**ANNEXURE A FREE COPY OF THE FINAL REPORT IN CRIME NO.200/14 OF MEDICAL  
COLLEGE POLICE STATION**

**ANNEXURE B ORIGINAL OF THE ATTESTED AFFIDVIT DATED 7/9/2015 BY THE 2ND  
RESPONDENT**

**ANNEXURE C ORIGINAL OF THE ATTESTED AFFIDAVIT DATED 7/9/2015 BY THE 3RD  
RESPONDENT**

**RESPONDENTS' EXHIBITS**

**NIL**

**TRUE COPY**

**P.A.TO JUDGE**

**SD**

P. UBAID, J.

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Crl.Appeal No.6084 of 2015  
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Dated this the 10<sup>th</sup> day of September, 2015

O R D E R

The petitioners herein are the two accused in S.C. No.2082/2014 of the 1<sup>st</sup> Additional Sessions Court, Thiruvananthapuram. They seek orders quashing the prosecution 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 511 of 363 read with Section 34 IPC, on the complaint of one Sajana, who is the 3<sup>rd</sup> 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. The other aggrieved person in the alleged incident is the 2<sup>nd</sup> respondent in this proceeding. She has also filed affidavit to the effect that she has settled the whole dispute with the accused and she has no grievance or complaint now. The affidavit filed by the 2<sup>nd</sup> and 3<sup>rd</sup> respondents will show that the complaint in fact happened to be made on some misapprehension. Even otherwise, I do not find any definite materials for a prosecution for attempted kidnapping. It appears

that there happened some dispute or exchange of words between the parties, which led to an unhappy situation wherein the complainant and her daughter apprehended that the petitioners would remove the child with the object of extracting money. On that misapprehension, probably, they made a complaint against these petitioners. Any way, the issue stands resolved forever, and the complainant and her daughter have 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 further proceedings 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/petitioners herein in S.C. No.2082/2014 of the 1<sup>st</sup> Additional Sessions Court, Thiruvananthapuram, will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution and the bail bond, if any, executed by them will stand discharged.

Sd/-  
P. UBAID, JUDGE

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