

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

Crl.MC.No. 6182 of 2015 ()

**S.C. NO. 486/2013 OF THE ADDITIONAL SESSIONS COURT, MANJERI
CRIME NO. 802/2012 OF CHANGARAMKULAM POLICE STATION , MALAPPURAM**

PETITIONER/ACCUSED:

**A.R.SUNIL, AGED 43 YEARS,
S/O. RAGHAVAN, AYYAVALAPPIL HOUSE,
NANNAMUKKU, MALAPPURAM DISTRICT.**

BY ADV. SRI.K.RAKESH

RESPONDENTS/STATE & INJURED & DEFACTO COMPLAINANT:

- 1. THE STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, KOCHI – 682 031 – FOR THE SUB INSPECTOR OF POLICE, CHANGARAMKULAM POLICE STATION, MALAPPURAM DISTRICT.**
- 2. HONEY, D.O. JAYAPRAKASH, IRUDIKAVIL HOUSE, KALADITHARA DESOM, KUTTIPALA AMSOM, PONNANI TALUK, MALAPPURAM DISTRICT, PIN – 676 501.**
- 3. YAYAPRAKASH, S/O. KUNHUNNI, IRUDIKAVIL HOUSE, KALADITHARA DESOM, KUTTIPALA AMSOM, PONNANI TALUK, MALAPPURAM DISTRICT, PIN – 676 501.**

**R 2-3 BY ADV. SMT.K.NISHA
R BY PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
15-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' ANNEXURE:

ANNEXURE A: TRUE COPY OF THE CHARGE/FINAL REPORT IN CRIME NO. 802/2012 OF THE CHANGARAMKULAM POLICE STATION.

ANNEXURE B: TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND AND 3RD RESPONDENTS DATED, 8-9-2015.

RESPONDENT (S)' ANNEXURE: NIL

/TRUE COPY/

P.A. TO JUDGE

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P.UBAID, J.

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Crl.M.C.No.6182 of 2015

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Dated this the 15th day of September, 2015

ORDER

The petitioner herein seeks orders quashing a prosecution involving the offence under Section 354 IPC, and under Section 23 of the Juvenile Justice Act (Care and Protection of Children) Act. The case is now pending as S.C.486 of 2013 before the First Additional Sessions Court, Manjeri. The prosecution allegation is that the petitioner herein pushed a girl student down from his bus. It is not known how a mere assault will involve the offence under Section 354 IPC. So also it is not known how such a complaint will attract a prosecution under Section 23 of the JJ Act. Anyway, the parties have now come to terms. The victim was aged 15 years on the date of complaint. Now she is aged 18 years. She has now filed affidavit that the whole dispute stands settled, that she happened to make complaint on some misapprehension, and that she has no grievance or complaint now. The Honourable Supreme Court has held in so many cases that even in cases involving non-

compoundable offences, the High Court can quash the prosecution, if continuance of the prosecution will not serve any purpose. Here, I find that the dispute stands amicably settled out of Court. The case does not involve any public interest or public issue. As regards the merits of the allegations I find that, what is at the most involved is only a simple case of assault. The said dispute now stands resolved. It is appropriate that the prosecution be quashed in such a situation, because, continuance of the prosecution will be a sheer waste of time, and nobody will support the prosecution if the case goes to trial.

In the result, this petition is allowed. The prosecution against the petitioner herein in S.C.486 of 2013 of the Additional Sessions Court, Manjeri will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE