

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

Crl.MC.No. 6210 of 2015 ()

**AGAINST THE ORDER/JUDGMENT IN SC 210/2015 of ADDITIONAL DISTRICT COURT,
IRINJALAKUDA DATED 27-12-2014**

CRIME NO. 1923/2014 OF PUDUKKAD POLICE STATION , TRISSUR

PETITIONER(S)/ACCUSED:

**PRAJEESH, AGED 29,
S/O SANKARANKUTTY, PUNNEKKARAYIL HOUSE, KONIKKARA,
THRIKKUR VILLAGE, VARANTHARAPPILLY, THRISSUR DISTRICT.**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.N.L.BITTO**

RESPONDENT(S)/STATE OF KERALA AND THE COMPLAINANT:

**1. THE STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
PUDUKKAD POLICE STATION,
THRISSUR THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM-682 031.**

**2. AJITHA,
D/O RAMAKRISHNAN, THIRUTHIKULANGARA HOUSE,
KALLOOR DESAM, KALLOOR VILLAGE,
THRISSUR DISTRICT-680 001.**

**R2 BY ADV. SRI.N.U.HARIKRISHNA
R1 BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
16-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

DG

APPENDIX

PETITIONER(S)' EXHIBITS:

- ANNEXURE 1:** **A TRUE COPY OF THE FIR IN CRIME NO. 1923/14 OF THE
PUDUKKAD POLICE STATION DT. 5/11/14.**
- ANNEXURE 2:** **A TRUE COPY OF THE CHARGE SHEET FILED BY PUDUKKAD
POLICE IN SC.210/15 DT. 27/12/14.**
- ANNEXURE 3:** **A TRUE COPY OF THE MARRIAGE CERTIFICATE NO. 32322/14
OF THE PETITIONER AND 2ND RESPONDENT REGISTRAR OF
MARRIAGES, THRISSUR CORPORTATION DT. 1/12/14.**
- ANNEXURE 4:** **A TRUE COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT
DT. 22/8/15**

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

P.A TO JUDGE

P. UBAID, J.

Crl.M.C.No.6210 of 2015

Dated this the 16th day of September, 2015

O R D E R

The petitioner herein is the accused in S.C. No.210/2015 of the Principal Assistant Sessions Court, Irinjalakuda. 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 376 IPC, 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. The affidavit shows that after the alleged incident the petitioner married her on 15.11.2014 as per the religious ceremonies, and that the marriage was duly registered. Annexure-III is the copy of the marriage certificate proving the said marriage. Thus, the victim is now the wife of the accused, and I am well satisfied that they are now leading a very happy matrimony. In such a situation, continuance of the prosecution will cause embarrassment to them, and the trial

process under Section 376 IPC may even defile their happy matrimony. In such a situation, it is appropriate that the prosecution be quashed.

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. This is not a case involving any public interest or public issue. 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 petitioners herein in S.C. No.210/2015 of the Principal Assistant Sessions Court, Irinjalakuda 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 him will stand discharged.

Sd/-

P. UBAID, JUDGE

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