

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

Cr1.MC.No. 5223 of 2014

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CRIME NO. 91/2013 OF KURUPPAMPADY POLICE STATION, ERNAKULAM

PETITIONER/ACCUSED:

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SEBIN RAJ, AGED 23 YEARS,  
S/O.RAJAN, KIZHAKKEPURATHUKUDI,  
METHALA P.O, ASHAMANNUR,  
KUNNATHUNADU TALUK, ERNAKULAM DISTRICT.

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS/COMPLAINANT:

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1. STATE OF KERALA

REP. BY PUBLIC PROSECUTOR

HONOURABLE HIGH COURT OF KERALA

AT ERNAKULAM REP. BY INSPECTOR OF POLICE,

KURUPPAMPADY POLICE STATION, ERNAKULAM DISTRICT.

2. SARITHA, AGED 19 YEARS,

D/O.SOMAN, PULICKALEDATH HOUSE, NEAR KALLIL TEMPLE,

METHALA P.O., ASAMANNUR VILLAGE, ERNAKULAM.

R2 BY ADV. SRI.P.MOHAMED SABAH

R2 BY ADV. V.G.JAWAHAR

R1 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 20-08-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

Cr1.MC.No. 5223 of 2014  
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APPENDIX

PETITIONER'S ANNEXURES:  
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ANNEXURE-1: COPY OF THE FIR DATED 24.1.2013 IN CRIME NO.91 OF 2013 OF KURUPPUMPADY POLICE STATION, ERNAKULAM DISTRICT.

ANNEXURE-2: COPY OF THE FINAL REPORT SUBMITTED BY THE INSPECTOR OF POLICE, KURUPPUMPADY POLICE STATION, DATED 27.2.2013

ANNEXURE-3: COPY OF MARRIAGE CERTIFICATE DATED 25.1.2013 ISSUED BY THE SECRETARY, SNDP BRANCH, METHALA.

ANNEXURE-4: COPY OF THE AFFIDAVIT DATED 18.8.2014 SWEAR BY THE SECOND RESPONDENT/DEFACTO COMPLAINANT.

RESPONDENTS' ANNEXURES:  
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NIL

//TRUE COPY//

P.A TO JUDGE

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**P.UBAID, J.**

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**Crl.M.C No.5223 of 2014**  
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Dated this the 20<sup>th</sup> day of August, 2015

**O R D E R**

The petitioner herein is the sole accused in S.C No.160/2014 of the Special Sessions Court for trial of offences against women and children, Ernakulam. 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 of the Indian Penal Code on the complaint of one Saritha who is the second respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The victim's affidavit shows that the accused in fact married her two years back, and that she is now leading a very happy matrimony with the petitioner. In such a situation, if the prosecution is allowed to continue, it will create problems, and may even defile their matrimony. In fact on a perusal of the materials, I find that everything that happened between them was in fact consensual. Anyway, the complaint happened to be made on some misapprehension, and the whole disputes stand resolved forever. It is appropriate that the whole 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 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 prosecution against the petitioner in S.C No.160/2014 of the Special Sessions Court for trial of offences against women and children, Ernakulam 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.

**P.UBAID  
JUDGE**

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