

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937

Crl.MC.No. 6762 of 2015

SC 945/2013 OF DISTRICT COURT, ALAPPUZHA

CRIME NO. 136/2011 OF KANAKAKUNNU POLICE STATION, ALAPPUZHA

PETITIONER(S)/1-4 ACCUSED :-

- 1. PRAJEESH KUMAR, AGED 28 YEARS,
S/O.PRASANAN, AABOLIL (H), VADAKKUM MURI,
KANDALLOOR, ALAPPUZHA DISTRICT.**
- 2. RAJESH, AGED 25 YEARS,
S/O.RAJAN, RAJESH BHAVANAM, ERUVA PADINJARU MURI,
ALAPPUZHA DISTRICT.**
- 3. RAHUL @ KANNAN, AGED 23 YEARS,
S/O.RAGHUNATHAN, KALARIVATHUCKAL (H),
ERUVA PADINJARU MURI, ALAPPUZHA DISTRICT.**
- 4. SATHYANARAYANAN, AGED 26 YEARS,
S/O.HAREENDRAN, MUGOTTVENGAVILA (H),
CHANAPETTA VILLAGE, KOLLAM DISTRICT.**

BY ADV. SMT.G.VIDYA

RESPONDENT(S)/STATE/DEFACTO COMPLAINANT/VICTIM :-

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. KAMALAKSHAN, AGED 54 YEARS,
S/O.PANKAJASHAN, PATHAKARISSEERPEEDIKAYIL (H),
KANDALLOOR THEKKUM MURIYIL, ALAPPUZHA DISTRICT.**
- 3. JOSHMA, AGED 19 YEARS,
D/O.KAMALAKSHAN, PATHAKARISSEERPEEDIKAYIL (H),
KANDALLOOR THEKKUM MURIYIL, ALAPPUZHA DISTRICT.**

**R2 & R3 BY ADV. SRI.JESWIN P.VARGHESE
R1 BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 26-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE 1: THE CERTIFIED COPY OF THE FIR IN CRIME NO.136/2011 OF
KANAKAKUNNU POLICE STATION IN ALAPPUZHA DISTRICT, DATED
17.04.2011.**

**ANNEXURE 2: THE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.136/2011
OF KANAKAKUNNU POLICE STATION IN ALAPPUZHA DISTRICT, DATED
03.01.2013.**

**ANNEXURE 3: THE TRUE COPY OF THE AFFIDAVIT SUBMITTED BY THE 2ND
RESPONDENT DATED 30.09.2015.**

**ANNEXURE 4: THE TRUE COPY OF THE AFFIDAVIT SUBMITTED BY THE 3RD
RESPONDENT DATED 30.09.2015.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A.TO JUDGE

rkj

P.UBAID, J.

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CrI.M.C.No.6762 of 2015
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Dated this the 26th day of October, 2015

ORDER

The four accused in S.C.No.945 of 2013 of the Court of Session, Alappuzha seek orders quashing the said prosecution under Section 482 Cr.P.C. on the ground of amicable settlement of the whole dispute between the accused and the victim. The second respondent herein is the defacto complainant, who made complaint against the accused. The third respondent herein is the victim, who was allegedly enticed, or taken away by the first accused with the help, and assistance of the other accused. The respondents 2 and 3 have filed affidavit to the effect that the whole dispute stands settled out of Court amicably, and the complainant/victim has no complaint or grievance now. The petitioners have also produced a copy of the marriage

certificate showing that the victim has already married by one Sreejith.

2. In so many decisions the Honourable Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash the prosecution in pending proceedings; under Section 482 Cr.P.C., if the parties have really settled the whole dispute amicably out of court, and continuance of further prosecution will not serve any purpose in such a circumstance of amicable settlement. Here, I find that the parties have come to terms amicably, No doubt, nobody will support the prosecution in such a situation, if the case goes to trial. On a perusal of the materials, I find that this is in fact a case of elopement by the victim with the first accused, with the object of getting married. A crime happened to be registered, and investigated because, she was a minor at the time of the alleged incident. When the daughter went away with the accused, her father made a complaint, and thus started investigation. Anyway, now everything stands settled amicably, and the victim stands

married. She has averred in the affidavit that she does not want to prosecute the matter further. A prosecution involving exposure to a trial process when she is the wife of other man will cause embarrassment to her, and her husband, and it will even defile their happy matrimony. I find that here is a true and genuine settlement, and I am definite that the witnesses or the victim will not support the prosecution, if the case goes to trial.

In the result, the petition is allowed. The prosecution against the petitioners in S.C.No.945 of 2013 of the Court of Session, Alappuzha will stand quashed under Section 482 Cr.P.C.

Sd/-
**P.UBAID
JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE