

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

Crl.MC.No. 6799 of 2015 (A)

CRIME NO. 976/2015 OF POOCHAKKAL POLICE STATION, ALAPPUZHA

PETITIONER(S)/ACCUSED :-

**JOSE V.X., AGED 38 YEARS, S/O.XAVIER,
VATTATHIL HOUSE, THIRUVAMPADY PO,
VADACKAL, ALAPPUZHA.**

BY ADV. SRI.G.PRIYADARSAN THAMPI

RESPONDENT(S)/DEFACTO COMPLAINANT AND STATE :-

- 1. SURYA MOL @ SURYA, AGED 19 YEARS,
D/O.SUNDHARAN, KADEPARAMBIL, PANAVALI,
CHERTHALA, ALAPPUZHA DISTRICT.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

**R1 BY ADV. SRI.R.MURALEEKRISHNAN
R2 BY SMT.MADHUBEN, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 02-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 6799 of 2015 (A)

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 : CERTIFIED COPY OF FIR AND FIS IN CRIME NO.976/2015 OF
POOCHAKKAL POLICE STATION, ALAPPUZHA DISTRICT.**

ANNEXURE A2 : AFFIDAVIT SWORN BY THE 1ST RESPONDENT DATED 15-10-2015.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.6799 of 2015
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Dated this the 2nd day of November, 2015

ORDER

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.976 of 2015 of Poochakkal Police Station, Alappuzha, registered under Sections 451 and 354 of the Indian Penal Code on the complaint of one Surya Mol @ Surya. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. The de facto complainant is the 1st 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.

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; be it at

the crime stage or at the trial stage or even at the appellate or revision stage; if the parties have really settled the whole dispute, or if continuance of the prosecution will not serve any purpose. Here, I find a real case of settlement between the parties, and I also find that continuance of the prosecution in such a situation will not serve any purpose other than wasting the precious time of the court, when the case ultimately comes before the court.

3. The victim's affidavit shows that she apprehends that exposure to a trial process in the present situation will cause embarrassment to her, and it will even affect her studies, and that she has come to settlement quite voluntarily in her best interest. There is reason to believe that the complaint was in fact made by her on some misapprehension. The victim is now pursuing her studies. She does not want to prosecute the matter further, and she has come to an amicable settlement with the consent of the parents. It is quite appropriate that in such a situation, the prosecution be quashed in the best interest of the victim.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.976 of 2015 of Poochakkal Police

Station, Alappuzha, will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE