

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. 6877 of 2015 ()

AGAINST THE JUDGMENT IN SC 658/2014 of SPECIAL COURT OF SC/ST (POA),
MANJERI
CRIME NO. 98/2012 OF VENGARA POLICE STATION , MALAPPURAM

PETITIONER(S)/ACCUSED:

ABDUL JALEEL @ JALEEL
S/O.MOIDEENKUTTY, VALIYAPEEDIYEKKAL HOUSE, KOMBILAPARA
CHERUR, VENGARA, MALAPPURAM DISTRICT.

BY ADV. SRI.K.RAKESH

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT:

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1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
KOCHI-682031 THROUGH THE STATION HOUSE OFFICER
VENGARA POLICE STATION, MALAPPURAM DISTRICT.
 2. ULLATTU PARAMBIL BEENA
D/O.KUTTAN, ULLATTUPARAMBIL HOUSE, PARAPPANCHENA
KANNADIPADI P.O., THIRURANGADI TALUK
MALAPPURAM DISTRICT, PIN-676304.

R2 BY ADV. SMT.K.NISHA
R1 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T.

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
02-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 6877 of 2015

APPENDIX

PETITIONER'S EXHIBITS

ANNEXURE A: TRUE COPY OF THE CHARGE IN CRIME NO.98/2012 OF THE
VENGARA POLICE STATION

ANNEXURE B: TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND
RESPONDENT DATED 19-10-2015

RESPONDENTS EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.6877 of 2015**  
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Dated this the 2nd November, 2015

ORDER

The petitioner herein is the accused in S.C No.658/2014 of the Special Court of SC/ST (POA) Act Cases, Manjeri. 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 Sections 376 and 450 of Indian Penal Code, and Section 3 (i) (x) (xi) and 3 (2) (v) of Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act, on the complaint of one Beena, 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.

2. The victim of offence appeared in person before me as directed by the court. On interacting with her regarding settlement, I find that this is not in fact a case of rape. The victim and the petitioner herein had been in love

for more than six years, and she stated in court that she and petitioner had sexual intercourse for more than one occasion with the knowledge of the parents. There is nothing to show that this is in fact a case of sexual exploitation of a member of the scheduled caste. On interacting with the victim, I find that sexual intercourse between her and the petitioner was in fact consensual as part of a love affair. Later, the petitioner abandoned her. She now says that some marriage proposals are coming for her, and the present prosecution will stand in the way of her getting married. She affirmed that she came to settlement quite voluntarily in her best interest, and she is not interested in prosecuting the matter. She also submitted that she happened to make a complaint on some misapprehension when the petitioner abandoned her. Thus, it is definite that this is not in fact a case of rape or exploitation of a member of scheduled caste. Anyway, the whole dispute stands settled between the parties amicably. In such a situation, it is appropriate that the prosecution be quashed.

3. 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 herein in S.C No.658 of 2014 of the Special Court of SC/ST (POA) Act Cases, Manjeri 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.

**Sd/-
P.UBAID
JUDGE**

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/True copy/

P.S to Judge