

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

Crl.MC.No. 7158 of 2015 (B)

CRIME NO. 425/2015 OF PANAMARAM POLICE STATION, WAYANAD

PETITIONER/ACCUSED :-

**JINU FASIL, AGED 25 YEARS,
S/O.KHADEEJA, KALATHIL PARAMBU HOUSE,
KANIYAMBETTA POST, KANIYAMBETTA VILLAGE,
VYTHIRI TALUK, WAYANAD DISTRICT, PIN - 673 122.**

**BY ADVS.SMT.SARITHA THOMAS
SRI.SAJEEVAN KURUKKUTTIYULLATHIL**

RESPONDENT(S)/STATE & DEFACO COMPLAINANT :-

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THESNIA @ RUKSANA THESNI, AGED 16 ½ YEARS,
D/O.MOIDU, SAVAN HOUSE, KANIYAMBETTA POST,
KANIYAMBETTA VILLAGE, VYTHIRI TALUK, WAYANAD DISTRICT,
REPRESENTED BY HER MOTHER WHO IS HER GUARDIAN SUHARA,
W/O.MOIDU, SAVAAN HOUSE, KANIYAMBETTA POST.**

**R2 BY ADV. SRI.RAVI KRISHNAN
R1 BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 26-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 7158 of 2015 (B)

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 :- CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN CRIME
425/15 OF PANAMARAM POLICE STATION, WAYANAD.**

ANNEXURE A2 :- NOTARIZED BIRTH CERTIFICATE OF DEFACTO COMPLAINANT.

**ANNEXURE A3 :- THE AFFIDAVIT DATED 13.10.2015 EXECUTED BY THE
DEFACTO COMPLAINANT IN FRONT OF A NOTARY PUBLIC.**

**ANNEXURE A4 :- THE AFFIDAVIT DATED 13.10.15 EXECUTED BY THE
DEFACTO COMPLAINANTS MOTHER WHO IS HER GUARDIAN IN
FRONT OF A NOTARY PUBLIC.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.7158 of 2015
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Dated this the 26th day of November, 2015

ORDER

The petitioner herein seeks orders quashing the FIR and the further proceedings in Crime No.425 of 2015 of the Panamaram Police Station, Wayanad, registered under Section 354 and Section 363 read with Section 511 IPC. The prosecution case is that the petitioner herein made some advancements to a girl aged 16 years and attempted to kidnap her. The petitioner seeks orders on the ground that the whole dispute now stands resolved forever by settlement out of court. The second respondent herein is the victim of offence. She along with her mother has appeared in Court as directed from the Court, and explained the circumstances of the reported settlement. The victim has also filed an affidavit to the effect that the whole dispute stands resolved forever

by effective mediation, and she has no grievance or complaint now. Her mother has also filed an affidavit to the effect that the whole dispute stands settled amicably out of Court. In open Court, the victim and her mother submitted that the petitioner is their neighbour, and that the complaint happened to be made on some misapprehension. On a perusal of the complaint, I find that this is not a definite case of attempt to kidnap. On interacting with the parties, I find that the petitioner had made some wordy advancement to the victim, but, she declined his request. In such a circumstance, a complaint came. Anyway, the whole dispute now stands resolved forever.

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, other than wasting the precious time of the court. Here, everything stands settled and resolved forever. The victim is now pursuing her Plus 2

course. Continuance of the prosecution, or exposure to a trial procees will cause embarrassment to her. It is appropriate that the pending prosecution be quashed.

In the result, this petition is allowed. The FIR and further proceedings in Crime 425 of 2015 of the Panamaram Police Station, Wayanad will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE