

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

Cr1.MC.No. 7207 of 2015

PETITIONERS/ACCUSED 1 AND 2:

1. ANEESH, AGED 25 YEARS,
S/O. KUNJACHAN, PATHINANCHIRA, NEDUMUDY,
VYSAMBHAGOM P.O., ALAPPUZHA.
2. JERIN, AGED 29 YEARS,
S/O. KUTTAN, KAIMAPRAMBIL, ERAVAKKAD,
CHITTISSERY P.O., THRISSUR.

BY ADV. SRI.P.SHANES METHAR

RESPONDENTS/STATE AND COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. KUMARI JAYAPRABHA, AGED 47 YEARS,
W/O.NARAYANAN, NIRMALYAM, RAIL VIEW LANE,
TOWN LIMIT ROAD, ALUVA - 682 026.

R2 BY ADV. SRI.K.NAJEEB

R1 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 13-11-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Cr1.MC.No. 7207 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE 1: COPY OF THE COMPLAINT LODGED BY THE 2ND RESPONDENT.

ANNEXURE II: COPY OF THE FIR IN CRIME NO.226/2015.

ANNEXURE III: AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.7207 of 2015

Dated this the 13th day of November, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.226/2015 of the Railway Police Station, Palakkad, registered under Section 354 r/w 34 of the Indian Penal Code on the complaint of one Kumari Jayaprabha. 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 Kumari Jayaprabha is the second 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 revisional 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 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. On a perusal of the FIR in this case, I find that it does not contain any definite material or allegation constituting the offence of sexual assault. It is not known how the victim was sexually assaulted, or what exactly was done by the petitioners to make it an instance of sexual assault. Anyway, the parties have come to terms, and everything stands resolved.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.226/2015 of the Railway Police Station, Palakkad will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**

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