

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 9TH DAY OF DECEMBER 2015/18TH AGRAHAYANA, 1937

Cr1.MC.No. 7278 of 2015 ()

CRIME NO. 1263/2015 OF NEMOM POLICE STATION, THIRUVANANDAPURAM

PETITIONER(S)/ACCUSED:

SASANKAN AGED 44 YEARS
S/O. SASIDHARAN, KAYALKARA VEEDU, KATTUKULAM
VENNIYOOR DESOM, VENGOOR VILLAGE, THIRUVANANTHAPURAM

BY ADVS.SRI.SUMAN CHAKRAVARTHY
SMT.BREJITHA UNNIKRISHNAN

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

1. THE STATE OF KERALA
REPRESENTED BY ITS PUBLICPROSECUTOR
HIGH COURT OF KERALA
2. RAHUL R KUMAR
S/O. T RATHEESH KUMAR, NEMOM POLICE QUARTERS NO C-4
NEMOM VILLAGE, THIRUVANANTHAPURAM 695 020
3. T RATHEESH KUMAR
S/O. THANKAPPAN, NEMOM POLICE QUARTERS NO C-4
NEMOM VILLAGE, THIRUVANANTHAPURAM 695 020

R2 & 3 BY ADV. SRI.K.B.PRADEEP
R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
09-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

ANNEXURE A : CERTIFIED COPY OF THE FINAL REPORT IN CRIME NUMBER
263/2015 OF NEMOM POLICE STATION

ANNEXURE B : ORIGINAL OF THE AFFIDAVIT EXECUTED BY THE
RESPONDENT DATED 17/10/2015

ANNEXURE C : TRUE COPY OF THE AADHAR CARD OF THE 2ND RESPONDENT

ANNEXURE D : ORIGINAL OF THE AFFIDAVIT EXECUTED BY THE 3RD
RESPONDENT DATED 17/10/2015

ANNEXURE E : TRUE COPY OF THE AADHAR CARD OF THE 3RD RESPONDENT

RESPONDENT(S) ' EXHIBITS NIL

//TRUE COPY//

P.A TO JUDGE

vdv

P.UBAID, J.

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Crl. M.C No.7278 of 2015
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Dated this the 9th day of December, 2015

ORDER

A prosecution involving the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act is sought to be quashed on the ground of amicable settlement out of court. Though some other sections are also seen quoted, the allegations will come only under Section 8 of the Protection of Children from Sexual Offences Act. The victim of offence is now aged 17 years. His father is a Police Officer in the Kerala State Police Department. The prosecution is now pending as S.C No.1223/2015 before the Court of Sessions, Thiruvananthapuram. The 2nd respondent herein is the victim of offence, and 3rd respondent is his father. Both have filed affidavit to the effect that the whole disputes stand settled amicably out of court, and that they have no grievance or complaint now. As required by the Court, the respondents appeared before me in person. On interacting with them, I find that complaint in this case in fact happened to be made on some misapprehension. The 3rd respondent who is still in police service stated before me on interaction that in fact there is no scope for a prosecution. The 3rd respondent affirmed before me that nobody has any grievance, and

nothing serious, as stated in the complaint, had in fact happened. The 2nd respondent (victim) also stated before me on interaction that the whole issue now stands resolved. The 3rd respondent is a police officer. When he says that the crime happened to be registered on some misapprehension, and he or his son has no grievance or complaint, it can be accepted by the Court. In so many decisions the Hon'ble Supreme Court has held that even in cases involving non-compoundable offences where public interest is not involved, the High Court can quash the prosecution if the parties have come to settlement amicably out of court, and continuance of the prosecution will not serve any purpose other than wasting the precious time of the Court.

In the result, this petition is allowed. The prosecution against the petitioner in S.C No.1223/2015 before the Court of Sessions, Thiruvananthapuram will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P.UBAID, JUDGE