

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

Crl.MC.No. 7598 of 2015 ()

CRIME NO. 1158/2015 OF MUHAMMA POLICE STATION , ALAPPUZHA

PETITIONER(S)/ACCUSED:

**PARAMESWARAN @ MANIYAN AGED 75 YEARS
S/O.VELU, MATTAHATHIL HOUSE, KAYIPPURAM
MUHAMMA.**

BY ADV. SRI.B.PRAMOD

RESPONDENT(S)/RESPONDENTS:

- 1. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.**
- 2. JINUMOL, AGED 11 YEARS
(MINOR), PUTHENKARI VEEDU, WARD NO.III
MUHAMMA PANCHAYATH, CHERTHALA, ALAPPUZHA
REPRESENTED BY HER FATHER PURUSHOTHAMAN 688 524.**
- 3. PURUSHOTHAMAN,, AGED 51 YEARS
S/O.LEKSHMANAN, PUTHENKARI VEEDU, WARD NO.III
MUHAMMA PANCHAYATH, CHERTHALA, ALAPPUZHA 688 524.**
- 4. JAYASREE, AGED 45 YEARS
W/O.PURUSHOTHAMAN, PUTHENKARI VEEDU, WARD NO.III
MUHAMMA PANCHAYATH, CHERTHALA, ALAPPUZHA.**

**R2-R4 BY ADV. SRI.P.SHANES METHAR
R1 BY SRI JUSTIN JACOB, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 15-12-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 7598 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

- ANNEXURE I:** CERTIFIED COPY OF THE F.I.R IN CRIME NO.1158/2015 OF MUHAMMA POLICE STATION, ALAPPUZHA DISTRICT.
- ANNEXURE II:** COPY OF THE WRITTEN INFORMATION GIVEN BY THE 2ND RESPONDENT TO THE COUNSELOR, CHILD LINE, ALAPPUZHA
- ANNEXURE III:** AFFIDAVIT SWORN BY THE 3RD RESPONDENT
- ANNEXURE IV:** AFFIDAVIT SWORN BY THE 4TH RESPONDENT

RESPONDENT(S)' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

P. UBAID, J.

Crl.M.C.No.7598 of 2015

Dated this the 15th day of December, 2015

ORDER

The petitioner seeks order quashing the FIR and further proceedings in Crime No.1158/2015 of Muhamma Police Station registered under Section 354(A)(1)(i) IPC and under Section 9 of the Protection of Children from Sexual Offences Act. The victim of offence is a small girl aged 11 years. Petitioner seeks orders on the ground of amicable settlement of the whole dispute out of court. The parents of the victim are the respondents 3 and 4 herein, and the 2nd respondent is the victim herself. Respondents 3 and 4 have filed affidavit to the effect that the whole dispute stands settled amicably and they have no grievance or complaint now.

2. The police registered this crime on the basis of an information given by the child-line workers. That information does not contain details of the offence alleged. The statement given by the victim to the police under Section 161 of the Code of Criminal Procedure was made available to me by the learned

Public Prosecutor. This statement does not contain anything serious for a prosecution as now brought by the police. I am sure that if a small child is exposed to a trial process on the allegations made in the FIR, it will definitely cause unnecessary tension and harassment to the child and it will definitely affect the child adversely. Anyway, the parents thought it wise not to continue the prosecution, and they settled the issue in the best interest of the child. The settlement is acceptable in the above facts and circumstances. The Hon'ble Supreme Court has held that even in cases involving non-compoundable offences the High Court can quash the prosecution if continuance of prosecution will not serve any purpose. Here, no purpose will be served if the case ultimately comes before the Court, because nobody will support the prosecution.

In the result the petition is allowed. The FIR and further proceedings in Crime No.1158/2015 of Muhamma Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

JV

SD/-
P. UBAID
JUDGE