

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

Cr1.MC.No. 7880 of 2015

CRIME NO. 1789/2015 OF PUDUKKAD POLICE STATION, TRISSUR

PETITIONERS/PETITIONER:

1. SAJITH, AGED 20 YEARS,
S/O.SADAN, PUTHIYEDATHU HOUSE, KALLOOR DESOM,
KALLOOR VILLAGE, MUKUNDAPURAM TALUK,
THRISSUR DISTRICT 680001
2. JISHNU, AGED 18 YEARS,
S/O.SASI, NEYHUKULANGARA HOUSE, THRIKKOOR DESAM,
THRIKKOOR VILLAGE, MUKUNDAPURAM TALUK,
THRISSUR DISTRICT - 680001
3. MANEESH, AGED 18 YEARS,
S/O.MANI, PULIKKAL HOUSE, KALLOOR DESOM,
KALLOOR VILLAGE,
MUKUNDAPURAM TALUK, THRISSUR DISTRICT 680001

BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.N.L.BITTO

RESPONDENTS/RESPONDENTS:

1. THE STATE OF KERALA
REP BY THE SUB INSPECTOR OF POLICE
PUDUKKAD POLICE STATION
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM 682031
2. LIYA, AGED 18 YEARS
D/O.LASAR, CHITILAPPILLY HOUSE, PARAKKAD DESOM,
KALLUR VILLAGE, MKUNDAPURAM TALUK
THRISSUR DISTRICT 680001

R2 BY ADV. SRI.K.R.ARUN KRISHNAN
R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 7880 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE 1:- COPY OF THE FIR IN CRIME NO 1789/2015 DTD
24/11/2015 OF THE PUDUKKADU POLICE STATION

ANNEXURE II:-AN AFFIDAVIT FILED BY THE 2ND RESPONDENT DTD
11/12/2015 REGARDING SETTLEMENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No. 7880 of 2015

Dated this the 23rd day of December, 2015

O R D E R

The petitioners herein are the three accused in Crime No.1789/2015 of the Pudukkadu Police Station. They seek orders quashing the FIR and the further proceedings on the ground of amicable settlement made by the parties out of court. The victim of offence is the second respondent herein. She is now aged 18 years. She has filed affidavit to the effect that the whole dispute stands settled amicably out of court, and that she has no grievance or complaint now.

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 the prosecution will not serve any purpose. Though the FIR was registered in this case by the police under the provisions of the Protection of Children from Sexual Offence Act (for short 'the POCSO Act')

also, those provisions stand deleted on the ground that the victim had completed the age of 18 as on the date of the alleged incident. A copy of the age document was shown to me in open court. The date of birth of the victim is 6.8.1997. The alleged incident happened in November 2015.

3. The learned Public Prosecutor submitted that the police has already deleted the provisions of the POCSO Act and the investigation is now proceeding only under Sections 354 and 354D of the IPC. As regards these two offences the parties have come to terms amicably. In such a situation continuance of the prosecution will not serve any purpose. 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 F.I.R and further proceedings in Crime No.1789/2015 of the Pudukkadu Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**Sd/-
P.UBAID
JUDGE**

//True Copy//

ab

P.A to Judge