

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

Crl.MC.No. 7412 of 2014 ()

SC 684/2012 of SESSIONS COURT, PALAKKAD

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PETITIONER/ACCUSED:

**BAIJU, AGED 26 YEARS
S/O. BASKARAN, KALPAMCODE HOUSE, N.S.S. COLLEGE.P.O.
MELARCODE, PALAKKAD-678508.**

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENTS/DEFACTO COMPLAINANT/CW1 AND STATE:

**1. ANITHA, AGED 25 YEARS
D/O. CHAMI, COLAROAD, VAVULIYAPURAM POST
TARUR, ALATHUR, PALAKKAD-678508.**

**2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

**R1 BY ADV. SRI.P.M.RAFIQ
R2 BY PUBLIC PROSECUTOR SMT. V.H. JASMINE**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 03-08-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

**ANX.A. A TRUE COPY OF THE FINAL REPORT IN CRIME NO. 131/12 OF ALATHUR
POLICE STATION OF PALAKKAD DISTRICT.**

**ANX.B. TRUE COPY OF THE AFFIDAVIT SWORN BY THE 1ST RESPONDENT HEREIN
EVIDENCING THE AFFORESAID FACT.**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.7412 of 2014

Dated this the 3rd day of August, 2015

O R D E R

The petitioner herein is the accused in S.C. No.684/2012 of the Court of Session, Palakkad. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Sections 376 IPC and Sections 3(1)(xi) and 3(2)(v) of SC/ST(PA) Act, on the complaint of one Anitha, who is the first respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused and he has no grievance or complaint now. As directed by the court, the victim of offence appeared in person, and submitted that she has settled the dispute quite voluntarily, without the instigation or compulsion of anybody. It is submitted that she and the petitioner had been in love for sometime, and everything that happened between them was in fact consensual. She made a complaint against him when he resiled from his promise to marry

her, but now, in view of some marriage proposals, she decided to withdraw from prosecution in her best interest. She apprehends that continuance of the proceedings may deny a happy married life to her. In such a circumstance, it is appropriate, in the best interest of the victim herself, that the prosecution may be closed.

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. Here, I find a real and genuine case of settlement between the parties. This is not a case involving any public interest or public issue. The parties have come to terms amicably on the intervention of persons acceptable to both sides, and I am satisfied that the parties are now on quite cordial terms. In such a situation, continuance of the prosecution will not serve any purpose other than wasting the precious time of the court. 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 prosecution against

the petitioner herein in S.C. No.684/2012 of the Court of Session, Palakkad will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

Sd/-

P. UBAID, JUDGE

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