

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

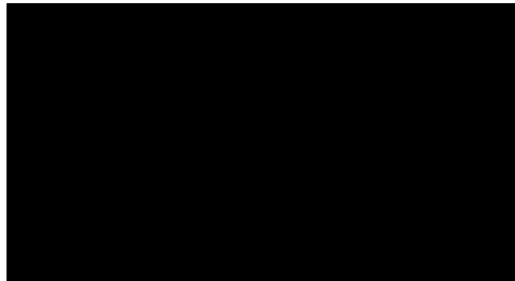
THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

FRIDAY, THE 16TH DAY OF APRIL 2021 / 26TH CHAITHRA, 1943

Cr1.MC.No.5674 OF 2020(H)

SEEKING TO QUASH THE F.I.R AND THE FURTHER PROCEEDINGS IN CRIME NO.295/2020 OF TOWN WEST POLICE STATION , THRISSUR, PENDING AS S.C 612/2020 BEFORE THE COURT OF THE 1ST ADDITIONAL DISTRICT & SESSIONS COURT, THRISSUR

PETITIONER/ACCUSED:



BY ADV. SRI.JITHIN BABU A

RESPONDENTS/DEFACTO COMPLAINANT & STATE:

1 STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM
PIN-682031.

2 XXX
X

R2 BY ADV. ARUN SAMUEL

OTHER PRESENT:

SR.PP - SRI C M KAMMAPPU

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 16.04.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 16th day of April 2021

Petitioner is the sole accused in Crime No.295/2020 of the Thrissur Town West Police Station, which is pending as SC No.612/2020 on the files of the 1st Additional District & Sessions Court, Thrissur, for having allegedly committed the offences punishable under Sections 3,4,5I and 6 of the POCSO Act, 2012 and 376(2)(n) of IPC.

2. The defacto complainant-injured are respondents herein, who have appeared through Adv.Arun Samuel and have filed an affidavit as Annexure A4 stating that the matter has been amicably settled and that they have no existing grievance against the petitioner. It is also submitted that the petitioner and the defacto complainant were in love with each other and they have even solemnized their marriage. Annexure A3 is the marriage certificate evidencing their marriage. The offences alleged are purely personal in nature and no serious prejudice will be caused to the public if the settlement is recognised. Further, possibility of the case ending in conviction is also very remote, if not impossible due

to the said settlement. Recognising the said settlement augurs better in the interests of all.

3. Reliance can be placed on the decisions in **Gian Singh v. State of Punjab [2012 (4) KLT 108]**, **Narinder Singh and Others v. State of Punjab and Another [(2014) 6 SCC 466]** and **Yogendra Yadav and Others v. State of Jharkhand [(2014) 9 SCC 653]** for recognising the settlement entered into by the parties.

4. In view of the settlement arrived at between the petitioner and the 2nd respondent and also due to their marriage, the petitioner is entitled to get the proceedings quashed under Section 482 of the Cr.P.C. It is also pertinent to note that the petitioner does not have any criminal antecedents and no public interest is involved.

In the result, the CrI.M.C. is allowed and all proceedings against the petitioner in SC No.612/2020 on the files of the 1st Additional District & Sessions Court, Thrissur, are quashed under Section 482 of the Cr.P.C.

Sd/-
BECHU KURIAN THOMAS
JUDGE

APPENDIX

PETITIONER'S/S EXHIBITS:

- ANNEXURE A1** **THE CERTIFIED COPY OF THE FIR IN CRIME NO.295/2020 OF THRISSUR TOWN WEST POLICE STATION.**
- ANNEXURE A2** **THE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.295/2020 OF THRISSUR TOWN WEST POLICE STATION BEFORE THE I ADDITIONAL DISTRICT AND SESSIONS COURT, THRISSUR.**
- ANNEXURE A3** **A TRUE COPY OF THE MARRIAGE CERTIFICATE ISSUED BY THE MARRIAGE OFFICER.**
- ANNEXURE A4** **A TRUE COPY OF THE AFFIDAVIT FILED BY THE 2ND RESPONDENT.**