

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

Cri.MC.No. 691 of 2015

**CC 58/2010 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, KANJIRAPPALLY
CRIME NO. 110/2007 OF PONKUNNAM POLICE STATION, KOTTAYAM**
.....

PETITIONER(S)/ACCUSED NOS 1 AND 2:

- 1. JOJI VARGHESE, AGED 38 YEARS,
S/O. VARGHESE, THOPPIL HOUSE, CHETHIPUZHA VILLAGE,
CHETHIPUZHA KARA, KURISUMMOODU, CHANGANACHERRY TALUK.**
- 2. JOSY VARGHESE, AGED 53 YEARS,
S/O. VARGHESE, THOPPIL HOUSE, CHETHIPUZHA VILLAGE,
CHETHIPUZHA KARA, KURISUMMOODU, CHANGANACHERRY TALUK.**

BY ADV. SRI.D.KISHORE

RESPONDENT(S)/STATE, DE FACTO COMPLAINANT AND COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. ANTONY XAVIER, AGED 47 YEARS,
S/O. MARIACHELLAM, ADIYANVILAI HOUSE, KALLOOKULANGARA,
CHIRAKKADAVU VILLAGE, KANJIRAPPALLY TALUK - 686 507.**
- 3. THE SUB INSPECTOR OF POLICE,
PONKUNNAM POLICE STATION,
KOTTAYAM DISTRICT - 686 506.**

**R2 BY ADV. SRI.LIJI.J.VADAKEDOM
R1 & R3 BY PUBLIC PROSECUTOR SMT.P.MAYA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
04-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 691 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1 - THE CERTIFIED OF THE FINAL REPORT IN CRIME NO. 110/07 OF
PONKUNNAM POLICE STATION PENDING AS CC NO. 58/10 BEFORE
THE JUDICIAL FIRST CLASS MAGISTRATE COURT - II,
KANJIRAPPALLY.**

**ANNEXURE A2 - THE AFFIDAVIT DT. 22.9.14 SUBMITTED BY THE 2ND RESPONDENT/
DE FACTO COMPLAINANT.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.UBAID, J.

Crl. M.C No. 691 of 2015

Dated this the 4th day of February, 2015.

O R D E R

The petitioners herein are the first and the second accused in C.C No.58/2010 of the Judicial First Class Magistrate Court-II, Kanjirappally. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between them and the de facto complainant. Crime in this case was registered under Sections 419, 420, 465, 468, 471 and 120 B of IPC, on the complaint of one Antony Xavier who is the second 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. 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 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. 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 petitioners herein in C.C No.58 of 2010 of the Judicial First Class Magistrate's Court-II, Kanjirappally, will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

P.UBAID,
JUDGE

sab