

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

Crl.MC.No. 3725 of 2015 (B)

CC 48/2006 of J.M.F.C-I, KOTTAYAM

PETITIONER(S)/ACCUSED :-

**K.C.JACOB, AGED 61 YEARS,
S/O.CHACKO, KALAPPURAKAL HOUSE,
THOTTAKAD, KOTTAYAM.**

BY ADV. SRI.I.V.PRAMOD

RESPONDENT(S)/STATE & DEFACTO COMPLAINANTS:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN -682031.**
- 2. SOSAMMA JACOB, D/O.ELIAS MATHAI, AGED 65 YEARS,
RESIDING AT KANAKATHIL HOUSE,
THIRUVANCHUR, KOTTAYAM DISTRICT, 4910,
HOPEWELL DR., GARLAND, TEXAS,
UNITED STATE OF AMERICA-75043.**
- 3. ISSAC JACOB, S/O.ISSAC, KANAKATHIL HOUSE, THIRUVANCHUR,
KOTTAYAM DISTRICT, NOW RESIDING AT 4910, HOPEWELL DR.
GARLAND, TEXAS, UNITED STATE OF AMERICA-75043.**

**R2 & R3 BY ADV. SRI.S.U.NAZAR
R1 BY SMT.SHEEBA M.T., PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

APPENDIX

PETITIONER(S)' ANNEXURES :-

ANNEXURE-A1: A CERTIFIED COPY OF THE FINAL REPORT DATED 28/6/2007 IN C.C.NO.48/2006 OF JFCM-I, KOTTAYAM.

ANNEXURE-A2: A TRUE COPY OF THE DEPOSITION OF THE 2ND RESPONDENT DATED 2/12/2012.

ANNEXURE-A3: A TRUE COPY OF THE DEPOSITION OF PW2/3RD RESPONDENT DATED 8/7/2011.

ANNEXURE-A4: A TRUE COPY OF THE DEPOSITION OF PW3 DATED 6/2/2012.

ANNEXURE-A5: A TRUE COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT DATED 1/4/2014 FILED BEFORE THE JFCM-I, KOTTAYAM.

ANNEXURE-A6: AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT DATED 1/4/2014.

ANNEXURE-A7: AFFIDAVIT OF THE 3RD RESPONDENT DATED 22/5/2014.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

=====
Crl.M.C.No.3725 of 2015
=====

Dated this the 18th day of November, 2015

ORDER

The petitioner herein is the sole accused in C.C.No.48 of 2006 of the Judicial First Class Magistrate Court-I, Kottayam. 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 409, 418, 420, 421, 465, 468 and 403 of the Indian Penal Code on the complaint of one Sosamma Jacob, who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. She has filed affidavit to the effect that she has settled the whole dispute with the accused, and she has no grievance or complaint now. The other victim of offence is the 3rd respondent in this proceeding. He has also filed affidavit to the effect that he has settled the whole dispute with

the accused, and he 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 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 C.C.No.48 of 2006 of the Judicial First Class Magistrate Court-I, Kottayam 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**

rkj

//TRUE COPY//

P.A. TO JUDGE