

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937**

**Crl.MC.No. 6406 of 2015 ()**  
-----

**C.C.NO. 89/2015 of CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM  
CRIME NO. 474/2015 OF CENTRAL POLICE STATION , ERNAKULAM**

**PETITIONERS/ACCUSED:**  
-----

1. **ANTONY RANJU, AGED 34 YEARS,  
S/O.FRANCIS E.F, ELLIKKAPARAMBIL HOUSE,  
OLD RAILWAY STATION ROAD, KACHERIPADY, ERNAKULAM,  
KOCHI-682 018.**
2. **STELLA FRANCIS, AGED 60 YEARS,  
W/O.FRANCIS E.F, ELLIKKAPARAMBIL HOUSE,  
OLD RAILWAY STATION ROAD, KACHERIPADY, ERNAKULAM,  
KOCHI-682 018.**
3. **FRANCIS E.F, AGED 65 YEARS,  
ELLIKKAPARAMBIL HOUSE, OLD RAILWAY STATION ROAD,  
KACHERIPADY, ERNAKULAM, KOCHI-682 018.**

**BY ADV. SRI.T.M.RAMAN KARTHA**

**RESPONDENTS/COMPLAINANT & STATE:**  
-----

1. **STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031.**
2. **STATION HOUSE OFFICER,  
CENTRAL POLICE STATION, ERNAKULAM, KOCHI-18.**
3. **BINJU MATHEW, AGED 27 YEARS,  
D/O.MATHEW, MANAYIL HOUSE, OPPOSITE KURISUPALLY,  
VADUTHALA.P.O., KOCHI-682 023.**

**R3 BY ADV. SMT.GISA SUSAN THOMAS  
R BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 29-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**Crl.MC.No. 6406 of 2015 ()**  
-----

**APPENDIX**

**PETITIONER(S)' EXHIBITS:**  
-----

**ANNEUXRE I-            COPY OF THE FINAL REPORT NO.474/2015 DATED 30.3.2015 OF  
CENTRAL POLICE STATION, ERNAKULAM.**

**ANNEXURE II-           TRUE COPY OF THE MEDIATION AGREEMENT FILED BEFORE  
THE HON'BLE FAMILY COURT, ERNAKULAM.**

**ANNEXURE III-         AFFIDAVIT OF THE 3RD RESPONDENT DATED 10.9.2015.**

**RESPONDENT(S)' EXHIBITS:            NIL**  
-----

**/TRUE COPY/**

**P.A. TO JUDGE**

**AK**

**P.UBAID, J.**

-----  
**Crl.M.C.No. 6406 of 2015**  
-----

Dated this the 29<sup>th</sup> day of September, 2015

**ORDER**

The petitioners herein are the 3 accused in C.C No. 89/2015 of the Chief Judicial Magistrate Court, Ernakualm. 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 Section 498 A of Indian Penal Code on the complaint of one Binju Mathew who is the 3<sup>rd</sup> 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.

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. 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.

3. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, and that the parties have parted ways in terms of the settlement, The victim's dues also stand settled. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No. 89/2015 of the Chief Judicial Magistrate Court, Ernakualm 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.

Sd/-  
**P.UBAID**  
**JUDGE**

AK

//True copy//

P.A. to Judge