

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

**PRESENT:**

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

**FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937**

**Crl.MC.No. 7673 of 2015 ()**

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CC 23/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT - VIII, MARADU  
ERNAKULAM**

**CRIME NO. 1718/2013 OF PANANGAD POLICE STATION , ERNAKULAM**

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**PETITIONER/ACCUSED:**

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**PONNAPPAN, AGED 45 YEARS  
S/O. V.C.JOSEPH, VALIYAPARAMBU  
PANANGAD P.O., KUMBALAM, ERNAKULAM.**

**BY ADV. SRI.K.T.SAJU**

**RESPONDENTS/COMPLAINANT/DEFACTO COMPLAINANT:**

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**1. STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM-31.**

**2. JENCY JOHNSON, AGED 25 YEARS  
W/O. JOHNSON, KUNNAMTHUDY, VYASAPURAM  
PANANGAD, ERNAKULAM DISTRICT-682506.**

**ADDL.R3. LISSY, W/O. JAMES, AGED 47 YEARS  
ALUPPALLY HOUSE, S.N. JUNCTION  
KUMBALAM, PANANGAD P.O., ERNAKULAM -682506**

**ADDL.R4. BENCY, W/O. ROJU, AGED 24 YEARS, ARAKKAL HOUSE  
NEAR P.S. MISSION HOSPITAL, MARADU, ERNAKULAM -682304**

**ADDL.R3 AND R4 ARE IMPEADED AS PER ORDER IN Crl.M.A.No.11851/2015 DATED  
18.12.2015.**

**R2, ADDL R3,R4 BY ADV. SRI.AKHIL K.MADHAV  
R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18-12-2015, THE  
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**APPENDIX**

**PETITIONER'S EXHIBITS**  
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**ANNEXURE A1- THE CERTIFIED COPY OF THE CHARGE SHEET/FINAL REPORT IN  
C.C.NO. 23/15 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-VIII,  
MARADU, ERNAKULAM.**

**ANNEXURE A2- AFFIDAVIT SIGNED BY THE 2ND RESPONDENT.**

**RESPONDENTS' EXHIBITS**  
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**NIL**

**// TRUE COPY //**

**P.A. TO JUDGE**

**SD**

P. UBAID, J.

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Crl.M.C.No.7673 of 2015  
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Dated this the 18<sup>th</sup> day of December, 2015

O R D E R

The petitioner herein is the accused in C.C.No.23/2015 of the Judicial First Class Magistrate Court-VIII, Maradu. 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 452, 294(b), 354 and 506(i) IPC, on the complaint of one Jency Johnson, who is the 2<sup>nd</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. The other victims have also filed affidavit to effect that the whole dispute stands settled.

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.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C.No.23/2015 of the Judicial First Class Magistrate Court-VIII, Maradu 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

sd

// True Copy //

P.A. to Judge