

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

THURSDAY, THE 6<sup>TH</sup> DAY OF OCTOBER 2022 / 14TH ASWINA, 1944

CRL.MC NO. 5165 OF 2022

CRIME NO.1936/2018 OF ALAPPUZHA NORTH POLICE STATION,  
Alappuzha

CC 655/2020 OF CHIEF JUDICIAL MAGISTRATE, ALAPPUZHA

PETITIONERS/ACCUSED:

- 1 JIJU JOJI NINAN  
AGED 38 YEARS  
S/O GEOGY NINAN,  
KURITHOTTICKKAL BHAVAN, KOZHENCHERY,  
PATHANAMTHITTA, PIN - 689641
- 2 GEOGY.K.NINAN  
AGED 70, S/O NINAN,  
KURITHOTTICKKAL BHAVAN, KOZHENCHERY,  
PATHANAMTHITTA, PIN - 689641
- 3 JESSY GEOGY NINAN  
W/O GEOGY K NINAN,  
KURITHOTTICKKAL BHAVAN, KOZHENCHERY,  
PATHANAMTHITTA, PIN - 689641

BY ADVS.B.J.JOHN PRAKASH  
HARISHMA  
ASHIK TOM  
CELINE JOHN

RESPONDENTS/COMPLAINANT & DEFACTO COMPLAINANT:

Cr1.M.C.No.5165/2022

-:2:-

- 1 STATE OF KERALA, REPRESENTING CI OF POLICE, NORTH  
POLICE STATION, ALAPPUZHA, REPRESENTED BY PUBLIC  
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM
- 2 MOLLY KOSHY  
W/O JIJU JOJI NINAN,  
ARACKAL VEEDU, ARATTUVAZHY WARD, ALAPPUZHA, PIN -  
688007

BY ADV PUBLIC PROSECUTOR

SMT. T.V. NEEMA, SR. PP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 06.10.2022, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

**ORDER**

Dated this the 6<sup>th</sup> day of October, 2022

This Cr1.M.C. has been preferred to quash Annexure II Final Report in Crime No.1936/2018 of Alappuzha North Police Station now pending as C.C.No.655/2022 on the file of the Chief Judicial Magistrate Court, Alappuzha on the ground of settlement between the parties.

2. The petitioners are the accused Nos. 1 to 3. The 2<sup>nd</sup> respondent is the defacto-complainant.

3. The offences alleged against the petitioners are punishable under Sections 498A, 34 of IPC, Section 67 of the Information Technology Act and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

4. The affidavit sworn in by the 2<sup>nd</sup> respondent is produced.

5. I have heard Sri. John Prakash, the learned counsel for the petitioners and Smt. T.V. Neema, the learned Senior Public Prosecutor.

6. The averments in the petition as well as the affidavit sworn in by the respondent No.2 would show that the entire dispute between the parties has been amicably settled and the *de facto* complainant has decided not to proceed with the criminal proceedings further. The learned Prosecutor, on instruction, submits that the matter was enquired into through the investigating officer and a statement of the *de facto* complainant was also recorded wherein she reported that the matter was amicably settled.

7. The Apex Court in ***Gian Singh v. State of Punjab*** [2012 (4) KLT 108 (SC)], ***Narinder Singh and Others v. State of Punjab and Others*** [(2014) 6 SCC 466] and in ***State of Madhya Pradesh v. Laxmi Narayan and Others*** [(2019) 5 SCC 688] has held that the High Court by invoking S.482 of Cr.P.C can quash criminal proceedings in relation to non compoundable offence where the parties have settled the matter between themselves notwithstanding the bar under S.320 of Cr.P.C. if it is warranted in the given facts and circumstances of the case or to ensure the ends of justice or to prevent abuse of process of any Court.

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8. The dispute in the above case is purely personal in nature. No public interest or harmony will be adversely affected by quashing the proceedings pursuant to Annexure II. The offences in question do not fall within the category of offences prohibited for compounding in terms of the pronouncement of the Apex Court in **Gian Singh** (supra), **Narinder Singh** (supra) and **Laxmi Narayan** (supra).

For the reasons stated above, I am of the view that no purpose will be served in proceeding with the matter any further. Accordingly, the Cr1.M.C. is allowed. Annexure II Final Report in Crime No.1936/2018 of Alappuzha North Police Station now pending as C.C.No.655/2022 on the file of the Chief Judicial Magistrate Court, Alappuzha hereby stands quashed.

Sd/-

DR. KAUSER EDAPPAGATH  
JUDGE

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**APPENDIX OF CRL.MC 5165/2022**

PETITIONER ANNEXURES

Annexure1	A CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN CRIME NO. 1936/2018 OF ALAPPUZHA NORTH POLICE STATION
Annexure-II	THE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.1936/2018 OF NORTH POLICE STATION ALAPPUZHA
Annexure-III	THE AFFIDAVIT DATED 29.06.2022 SWORN BY THE SECOND RESPONDENT