

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

**PRESENT:**

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

**WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936**

**Crl.MC.No. 42 of 2015 ()**  
-----

**PETITIONER(S)/PETITIONER/ACCUSED:**  
-----

**NOUFAL AGED 33 YEARS  
S/O.MUSTAFA, ATHAMANAKATH HOUSE, KANJIRAKADAVU  
OTTAPALAM, PALAKKAD DIST**

**BY ADV. SRI.R.SREEHARI**

**RESPONDENT(S)/RESPONDENTS/STATE & DEFACTO COMPLAINANTS:**  
-----

**1. STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA  
ERNAKULAM THROUGH THE STATION HOUSE OFFICE  
OTTAPALAM POLICE STATION, OTTAPALAM 679 101**

**2. SULFIKAR, AGED 32 YEARS  
S/O.KASIM, NALAKATH HOUSE, KANJIRAKADAVU  
OTTAPALAM 679 101**

**3. KASIM  
S/O.MAMMI, NALAKATH HOUSE, KANJIRAKADAVU  
OTTAPALAM 679 101**

**R2 & 3 BY ADV. SRI.K.RAJESH SUKUMARAN  
R1 BY PUBLIC PROSECUTOR SMT. S. HYMA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 07-01-2015, THE  
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**Crl.MC.No. 42 of 2015 ()**  
-----

**APPENDIX**

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

**ANNEXURE A1 CERTIFIED COPY OF FIR & FIS IN CRIME NO 664/2014 OF OTTAPALAM  
POLICE STATION**

**ANNEXURE A2 PHOTO COPY OF PLAINT IN OS NO 376/2012 OF SUB  
COURT,OTTAPALAM**

**ANNEXURE A3 PHOTO COPY OF AGREEMENT EXECUTED BETWEEN THE 3RD  
RESPONDENT AND THE PETITIONER DATED 22-08-2011**

**ANNEXURE A4 PHOTO COPY OF CC 76/2014 OF CONSUMER DISPUTES REDRESSAL  
FORUM, PALAKKAD**

**ANNEXURE A5 PHOTO COPY OF THE ORDER IN BAIL APPLICATION NO 5304/2014 DT  
23-07-2014 OF THIS HON'BLE COURT**

**ANNEXURE A6 PHOTO COPY OF JUDGMENT IN OS NO 376/2012 OF SUB COURT,  
OTTAPALAM DT 09-07-2014**

**ANNEXURE A8 PHOTO COPY OF THE ORDER IN CC 76/2014 OF CONSUMER  
DISPUTES REDRESSAL FORUM, PALAKKAD DATED 23-07-2014**

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

/TRUE COPY/

PATO JUDGE  
sab

**P.UBAID, J.**

-----  
**Crl. M.C No.42 of 2015**  
-----

Dated this the 7<sup>th</sup> day of January, 2015.

**O R D E R**

A crime registered under Section 395 IPC is sought to be quashed on the ground of amicable settlement made by the parties. The petitioner herein is the accused in the crime, and the second respondent herein is the de facto complainant. The second respondent has filed affidavit in court to the effect that the whole dispute stands amicably settled, and he has no grievance or complaint. I am well satisfied that the real dispute between the parties is a civil dispute which now stands settled by a compromise decree of the civil court. I also find that the above crime alleging the offence under Section 395 IPC happened to be made on some misapprehension in connection with the pending civil dispute. I find that the parties have really settled the whole dispute, and that continuance of further proceeding will cause harm and hardship to both the parties in the circumstances of an amicable settlement made in the interest of both the parties.

In the result, this petition is allowed. The FIR and the further proceedings in Crime No.664/2014 of the Ottapalam Police Station will stand quashed under Section 482 Cr.P.C

P.UBAID,  
JUDGE

sab