

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 12TH DAY OF JANUARY 2015/22ND POUSHA, 1936

Cr1.MC.No. 151 of 2015

IN L.P NO.625/2001 OF THE CHIEF JUDICIAL MAGISTRATE COURT,
PALAKKAD
CRIME NO. 179/2001 OF PALAKKAD TOWN SOUTH POLICE STATION,
PALAKKAD

PETITIONERS/ACCUSED NOS.1, 2, 4 TO 6 & 8:

1. FRANCIS,
S/O.CHAKKU, PANAYANKADU VEEDU, KARUMATHARA,
VADAKKANCHERRY, THRISSUR.
2. PRAVEEN V.KUMAR,
S/O.VIJAYAKUMAR, SUPRIYA NIVAS, ANCHERI,
THRISSUR.
3. SUJITH SATHYAN,
S/O.SATHYAN, KOLLARA VEEDU, PADIYLOOR P.O,
THRISSUR.
4. T.G.JYOTHI,
S/O.GANGADHARAN, THANIIYIL VEEDU, THALIKKULAM,
THRISSUR.
5. K.V.SAJITH,
S/O.VISWAMBHARAN, KUNNATH VEEDU, MANALLOOR P.O,
THRISSUR.
6. SHAJI,
S/O.SUGATHAN, THOZHUTHUMPARAMBIL VEEDU, THALIKKULAM,
THRISSUR.

BY ADVS.SRI.S.SANTHOSH KUMAR
SMT.P.LISSY JOSE.

RESPONDENTS/COMPLAINANT AND DEFACTO COMPLAINANT:

1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM682 031.
2. K.VINOD,
S/O.KRISHNAN, PATHIYIL VEEDU,
EDATHARA P.O., PALAKKAD - 678 611.

R2 BY ADV. SMT.RUBY P.PAULOSE
R1 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 151 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-I: COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.179
DATED 25.5.2001 OF THE PALAKKAD TOWN SOUTH POLICE STATION.

ANNEXURE-II: COPY OF FINAL REPORT IN C.C.NO.625/2001 OF CJM
COURT, PALAKKAD.

ANNEXURE-III: COPY OF THE AFFIDAVIT DATED 12.11.2014 OF 2ND
RESPONDENT

ANNEXURE-IV: COPY OF THE ORDER DATED 14.11.2014 IN
CRL.M.C.NO.6443/2014

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.151 of 2015

Dated this the 12th day of January, 2015

O R D E R

The petitioners herein are accused Nos.1, 2, 4 to 6 and 8 in C.C No.625/2001 before the Chief Judicial Magistrate Court, Palakkad. The case now stands transferred to the register of long pending cases as L.P No.33/2011. The petitioners now seek orders quashing the prosecution on the ground that they and the defacto complainant have amicably settled the dispute out of court. Crime in the said case was registered under Sections 403, 405, 409, 417 and 420 r/w 149 of the Indian Penal Code on the complaint of one Vinod. He is the second respondent in this proceeding. He has filed affidavit to the effect that he has settled the whole dispute with the accused, and he has no complaint or grievance now. The prosecution against the accused Nos.3 and 7 stands already quashed by this Court as per order dated 14.11.2014 in Crl.M.C No.6443/2014. I find that the dispute in this case is purely personal in nature, and the parties have really settled the whole dispute amicably. In fact the transaction alleged in the complaint relates to a chitty

transaction. It is submitted that the complainant has already received the entire amount due, and now no grievance subsists. In view of such an amicable settlement continuance of the prosecution will not serve any purpose, other than wasting the precious time of the court. The original 9th accused died pending the proceeding, and thus the charge against him abated.

In the result, this Criminal Miscellaneous Case is allowed. The prosecution against the petitioners herein in C.C No.625/2001 before the Chief Judicial Magistrate Court, Palakkad, which now stands transferred to the register of long pending cases as L.P No.33/2011 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.

**P.UBAID
JUDGE**

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