

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

Crl.MC.No. 788 of 2015 ()

**AGAINST THE JUDGMENT IN C.C.NO.2098/2014 of JUDICIAL FIRST CLASS MAGISTRATE
COURT, KOLENCHERRY
CRIME NO.1799/2014 OF KUNNATHUNADU POLICE STATION, ERNAKULAM RURAL**

PETITIONER(S)/ACCUSED:

**RAHUL,
S/O.UNNIKRISHNAN, R/O.VETTIKATTU(H), CHEMBUMUKKU,
THRIKKAKKARA, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.P.SANTHOSH (PODUVAL)
SMT.R.RAJITHA
SRI.K.D.SREEVISAKH**

RESPONDENT(S)/STATE & DE FACTO COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM. 682 031.**
- 2. PANKAJAKSHAN KARTHA,
S/O.NARAYANA MENON, KULAPPURAKOTTAYIL(H),
VALAYANCHIRANGARA KARA, KARTHAVUMPADY BHAGAM,
AIRAPURAM VILLAGE, KUNNATHUNADU TALUK,
ERNAKULAM DISTRICT. PIN-683 556.**
- 3. ANJALI,
D/O.PANKAJAKSHAN KARTHA, KULAPPURAKOTTAYIL(H),
VALAYANCHIRANGARA KARA, KARTHAVUMPADY BHAGAM,
AIRAPURAM VILLAGE, KUNNATHUNADU TALUK,
ERNAKULAM DISTRICT. PIN-683 556.**

**R2 & 3 BY SRI.MATHEW KURIAKOSE
R1 BY PUBLIC PROSECUTOR SMT.MADHUBEN.**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 01-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 788 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A- CERTIFIED COPY OF THE FIR IN CRIME NO.1799/2014 OF KUNNATHUNADU
POLICE STATION, ERNAKULAM RURAL, DATED 21.09.2014.**

**ANNEXURE B- A TRUE COPY OF REMAND REPORT IN CRIME NO.1799/2014 OF
KUNNATHUNADU POLICE STATION.**

**ANNEXURE C- CERTIFIED COPY OF FINAL REPORT IN CRIME NO.1799/2014 OF
KUNNATHUNADU POLICE STATION.**

RESPONDENT(S)' EXHIBITS

NIL

//True Copy//

P.A. To Judge

Bb

RAJA VIJAYARAGHAVAN V, J.

Crl.M.C.No.788 of 2015

Dated this the 01st day of July, 2015

O R D E R

This petition is filed under Section 482 of Code of Criminal Procedure.

2. The petitioner herein is the sole accused in Crime No.1799/2014 of Kunnathunadu Police Station, Ernakulam Rural registered for offence punishable under Sections 406 & 420 of Indian Penal Code. The said crime was registered based on the complaint filed by the 2nd respondent - the father of the 3rd respondent.

3. The gist of the allegation against the petitioner is that, the accused with intent to cheat the respondents 2 and 3 entered into a betrothal agreement on 15.09.2014, to marry the 3rd respondent and later, resiled from his promise. The police conducted investigation and have laid Annexure C Final Report against the petitioner under Sections 420 and 406 of the Indian Penal Code.

4. This Criminal Miscellaneous Case is preferred to quash

Annexure C Final Report and all further proceedings in C.C.No.2098/2014 on the file of the Judicial First Class Magistrate Court, Kolencherry where the said case is pending.

5. When the case came up for admission, the case was admitted and in course of proceedings, the parties were referred for mediation to the Ernakulam Mediation Centre. The mediation was conducted and the parties have arrived at a settlement as evidenced by Memorandum of agreement dated 17.06.2015. As per the agreement, the petitioner herein has paid a sum of Rs.1,00,000/- as compensation for the loss sustained by respondent Nos.2 and 3 in connection with the conduct of the engagement ceremony. In addition to various other terms, it is also seen undertaken by the respondent Nos.2 and 3 that they have absolutely no objection in quashing Annexure C Final Report in the aforesaid crime.

6. I have heard the learned counsel appearing for the petitioner, the learned counsel appearing for the respondents 2 and 3 and also the learned public prosecutor.

7. As the matter has been settled between the parties as a result of mediation, that too amicably, I am of the opinion that

non interference in a matter of this nature will result in miscarriage of justice. It will also be opposed to all tenets of law to direct the parties to undergo the ordeal of a protracted trial in view of the subsequent developments. It is also felt that quashing of the instant proceedings would bring about peace and secure ends of justice.

In the result, this Criminal Miscellaneous Case is allowed, and the Final Report and all further proceedings in C.C.No.2098/2014 on the file of the Judicial First Class Magistrate Court, Kolencherry are quashed.

Sd/-
**RAJA VIJAYARAGHAVAN V,
JUDGE.**

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[True copy]

P.A to Judge