

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

Crl.MC.No. 423 of 2013 ()

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CRMC 2024/2012 of SESSIONS COURT, ERNAKULAM
MP 725/2012 of ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT (ECONOMIC
OFFENCE), ERNAKULAM
CRIME NO. 869/2012 OF ERNAKULAM TOWN NORTH POLICE STATION, ERNAKULAM
DISTRICT
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PETITIONER/ACCUSED:-:

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GURUPREET SINGH SABHARWAL @ BOBBY SABHARWAL
NO.1137, H.A.L 2ND STAGE, 100 FEET ROAD
INDIRA NAGAR, BANGALURU
HAVING PERMANENT RESIDENCE OPPOSITE JANATHA RESTAURANT
WILSON GARDEN BANGALURU.**

**BY ADVS.SRI.C.ANILKUMAR (KALLESSERIL)
SRI.C.Y.VINOD KUMAR**

RESPONDENTS/STATE AND COMPLAINANT:-:

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1. STATE OF KERALA,
(REP.BY THE SUB INSPECTOR OF POLICE
ERNAKULAM TOWN NORTH POLICE STATION - IN CR.869/2012 OF
ERNAKULAM TOWN NORTH POLICE STATION) REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.**

**2. DENNY PAPPACHAN, AGED 37 YEARS
S/O.PAPPACHAN, AMBOOKEN HOUSE, ASTHAMICHIRA P.O.
TRICHUR DISTRICT - 680 731.**

**R2 BY ADV. SRI.GEORGE POONTHOTTAM
R1 BY PUBLIC PROSECUTOR SRI. REJI JOSEPH**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 16-01-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- ANNEXURE A1** **COPY OF THE FIR IN CRIME NO.869/2012 OF ERNAKULAM TOWN NORTH POLICE STATION REGISTERED ON 14.05.2012 BEFORE THE HONOURABLE ADDITIONAL CHIEF JUDICIAL MAGISTRATE'S (ECONOMIC OFFENCES) COURT, ERNAKULAM**
- ANNEXURE A2** **COPY OF THE PRIVATE COMPLAINT CrI.M.P.NO.725/2012 FILED BY THE 2ND RESPONDENT AGAINST THE PETITIONER BEFORE THE HONOURABLE ADDITIONAL CHIEF JUDICIAL MAGISTRATE'S (ECONOMIC OFFENCES) COURT, ERNAKULAMN**
- ANNEXURE A3** **COPY OF THE COMPROMISE PETITION ENTERED INTO BETWEEN THE PETITIONER AND THE 2ND RESPONDENT ON 5TH OCTOBER, 2012 AT COCHIN**
- ANNEXURE A4** **COPY OF THE RECEIPT ISSUED BY THE 2ND RESPONDENT FOR THE PAYMENT RECEIVED FROM THE PETITIONER ON 5TH OCTOBER, 2012 AT COCHIN**
- ANNEXURE A5** **COPY OF THE ORDER IN CRL.M.C. NO.2024 OF 2012 DATED 06.10.2012 ON THE FILE OF THE HONOURABLE SESSIONS COURT, ERNAKULAM**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.423 of 2013

Dated this the 16th day of January, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.869/2012 of the Ernakulam Town North Police Station, registered under Section 420 IPC, on the complaint of one Denny Pappachan. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. The de facto complainant, Denny Pappachan is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused, and he has no grievance or complaint.

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; be it at the crime stage or at the trial stage, or even at the appellate or revision stage; if the parties have really settled the whole dispute, or if continuance of

prosecution will not serve any purpose. Here, I find a real case of settlement between the parties, and I also find that continuance of prosecution in such a situation will not serve any purpose, other than wasting the precious time of the court, when the case ultimately comes before the court.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.869/2012 of the Ernakulam Town North Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P. UBAID, JUDGE

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