

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937

Crl.MC.No.2611 of 2015

CC 583/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,CHALAKUDY.

PETITIONER'S/ACCUSED:

1. **MAHSUD,S/O.SULAIMAN,PALAYAM KOTTUKKARA HOUSE,
THAZHEKKAD VILLAGE,KOMBIDINJAKKAL DESOM,
THRISSUR DISTRICT.**
2. **FIRDOUS M.M,S/O.MOULIYA,MALIAKKAL HOUSE,
MAREKKAD DESOM,VADAMA VILLAGE,
ASTAMICHIRA P.O.,THRISSUR DISTRICT.**

BY ADV.SRI.V.BINOY RAM

RESPONDENT'S/DEFACTO COMPLAINANT/COMPLAINANT:

1. **SEBASTIAN,S/O.VAREEDKUTTY,
ACHANDY HOUSE,THURUTHYPARAMBU DESOM,
ANNALLUR P.O.,ALOOR VILLAGE,PIN-680 731.**
2. **STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM-682 031.**

R1 BY ADV.SRI.K.M.GIRISH KUMAR

R2 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12.5.2015 THE COURT ON 27-05-2015, PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER'S ANNEXURES:

**ANNEX A1:TRUE COPY OF THE PRIVATE COMPLAINT AS CMP
NO.10368/2013 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, CHALAKUDY.**

**ANNEX A2:TRUE COPY OF THE FIR NO.2176/2013 OF CHALAKUDY POLICE
STATION, NOW AS CC NO.583/2014 OF JUDICIAL FIRST CLASS
MAGISTRATE COURT, CHALAKUDY.**

**ANNEX A3:TRUE COPY OF THE CHARGE SHEET IN CC NO.583/2014 OF
JUDICIAL FIRST CLASS MAGISTRATE COURT, CHALAKUDY.**

ANNEX A4:TRUE COPY OF THE AFFIDAVIT ISSUED BY THE 1ST RESPONDENT.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

ALEXANDER THOMAS, J.

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Dated this the 27th day of May, 2015.

ORDER

The petitioners herein are the accused in C.C.No.583/2014 on the file of the Judicial First Class Magistrate Court, Chalakudy for their alleged involvement under Secs.468, 420 r/w 34 IPC. The 1st respondent is the defacto complainant in the above case, who filed the impugned Annexure-1 private criminal complaint before the above said Magistrate. This led to the registration of the impugned Annexure-A3 Final Report/Charge Sheet filed in Annexure-A2 FIR in Crime No.2176/2013 of Chalakudy Police Station. The police after investigation submitted the impugned Annexure-A3 Final Report/Charge Sheet in the above said Crime which led to the pendency of the above said Calendar Case C.C.No.583/2014. Later, due to settlement talks, the entire disputes between the petitioners and 1st respondent-defacto complainant have been amicably resolved as evident from Annexure-A4 affidavit sworn to by the said defacto complainant before this Court. It is in the light of these facts and circumstances that the petitioners have sought the prayer for

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quashment of the impugned criminal proceedings pending against them in the light of the above said settlement.

2. Heard Sri.V.Binoy Ram, learned counsel appearing for the petitioners, Sri.K.M.Girish Kumar, learned counsel appearing for the 1st respondent and the learned Public Prosecutor appearing for the 2nd respondent-State of Kerala.

3. The petitioners have reiterated the submissions and contentions raised in the Crl.M.C. The learned counsel for the 1st respondent-defacto complainant submitted that the entire disputes between and petitioners and the defacto complainant have been resolved amicably between them as borne out by Annexure-A4 affidavit and this Court may consider the prayer for quashment of the impugned criminal proceedings as the harmony in the relation between the parties have been restored.

4. The learned Public Prosecutor submitted that this Court may consider the prayer for quashing the impugned criminal proceedings in the light of the legal principles laid down in this regard.

5. On an anxious consideration of the totality of the facts and circumstances, this Court is of the considered opinion that the prayer for quashment on the basis of settlement could be considered in the case

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as the offences involved are those under Secs. 420 of the IPC and related offence and it arose out of monetary disputes between the parties and is essentially a civil in nature as averred by the parties. In this view of the matter, it is ordered in the interest of justice that the impugned Annexure-A3 Final Report/Charge Sheet filed in impugned Annexure-A2 FIR in Crime No2176/2013 of Chalakkudy Police Station, which has led to the pendency of C.C.No.583/2014 on the file of the Judicial First Class Magistrate Court, Chalakkudy and all further proceedings arising therefrom stand quashed. The petitioners shall produce a certified copy of this order before the Station House Officer concerned as well as before the court below concerned.

With these observations and directions, this Crl.M.C stands finally disposed of.

ALEXANDER THOMAS,
Judge.

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