

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

Crl.MC.No. 2910 of 2015

CRIME NO. 367/2014 OF RAJAKKAD POLICE STATION , IDUKKI

PETITIONER(S)/ACCUSED:

**ANOOP SEBASTIAN, AGED 26 YEARS,
S/O.JOHNY, EETTAKKATTU HOUSE, RAJAKKAD VILLAGE,
KOCHUMULLAKKANAM KARA, IDUKKI DISTRICT.**

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. SUB INSPECTOR OF POLICE, RAJAKKAD POLICE STATION,
IDUKKI-685566.**
- 3. SHINTO V.T., S/O.THULASEEDHARAN, AGED 27 YEARS,
VETTUKALLUMAKKAL HOUSE, ADIVARAM,
RAJAKKAD PO, IDUKKI-685566.**
- 4. JIJO CHACKO, S/O.CHACKO, AGED 30 YEARS,
MANGALATH HOUSE, N.R.CITY, RAJAKKAD PO,
IDUKKI-685566.**
- 5. SUMESH.K.S., S/O.SUDAN, AGED 28 YEARS,
KAINIKKAL HOUSE, MANGATHOTTIL, ELAPPARA P.O,
KANTHIPPARA VILLAGE, IDUKKI DISTRICT-685501.**
- 6. DAYANIES BABU, W/O.BABU, AGED 34 YEARS,
MANAYATH HOUSE, CHERUPURAM, RAJAKKAD P.O.,
IDUKKI-685566.**

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7. **JOSMY JOSE, D/O.JOSE, AGED 24 YEARS,
THADIYOORPARA HOUSE, CHEMMANNARKARA,
UDUMBANCHOLA P.O., IDUKKI DISTRICT-685584.**
8. **RADHIKA PRASANTH, W/O.PRASANTH,
AGED 25 YEARS, VARIKKAYIL HOUSE, RAJAKKAD VILLAGE,
RAJAKKAD P.O., IDUKKI-685566.**
9. **JONSY.P.J., D/O.JOHN, AGED 24 YEARS,
PARAMBADITHARAYIL HOUSE, PAMPADUMPARA P.O.,
PAMPADUMPARA VILLAGE, IDUKKI DISTRICT-685551.**
10. **VEENU.V., D/O.MEJO, AGED 28 YEARS,
MYLAKKUZHIYIL HOUSE, RAJAKKAD P.O,
PONMUDI, IDUKKI DISTRICT-685586.**

**R1 & 2 BY PUBLIC PROSECUTOR SMT.SAREENA GEORE
R3-10 BY ADV. SMT.BINITHA JAMES**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONERS' ANNEXURES

- A1: COPY OF THE FIR IN CRIME NO.367 OF 2014 OF RAJAKKAD POLICE STATION**
- A2: COPY OF THE AFFIDAVIT OF THE R3**
- A3: COPY OF THE AFFIDAVIT OF THE R4**
- A4: COPY OF THE AFFIDAVIT OF THE R5**
- A5: COPY OF THE AFFIDAVIT OF THE R6**
- A6: COPY OF THE AFFIDAVIT OF THE R7**
- A7: COPY OF THE AFFIDAVIT OF THE R8**
- A8: COPY OF THE AFFIDAVIT OF THE R9**
- A9: COPY OF THE AFFIDAVIT OF THE R10**

RESPONDENTS' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS,J.

Crl.M.C.No.2910 of 2015

Dated this the 21st day of May, 2015

ORDER

The petitioner herein is the sole accused in Annexure-A1 FIR in Crime No.367/2014 of Rajakkad Police Station, Idukki District registered offences punishable under Section 420 of the IPC. The prosecution allegations against the petitioner is that he had collected amounts as security from the contesting respondents 3 to 10 promising employment in the computer institute run by the petitioner and that he had closed down the institute after four months without paying the security amount so collected from these contesting respondents, and the petitioner had also failed to pay the full salary to the contesting respondents 3 to 10 and the petitioner has committed the aforementioned offences etc.

2. These aspects are also evidenced from the impugned Annexure-A1 FIR. It is now stated that the petitioner submits that the entire amounts claimed by

contesting respondents 3 to 10 have been paid and the disputes between them is settled as evidenced by Annexure-A2 to A9 affidavits filed by contesting respondents 3 to 10 respectively. It is in the light of these aspects that the petitioner has prayed for the quashment of the impugned offence. It is also contended that the only offence alleged against the petitioner is under Section 420 of the IPC which is a compoundable offence. Moreover, contesting respondents have filed the affidavits as stated above and also appeared through the counsel Smt. Binitha James.

3. Heard. Sri. Latheesh Sebastian learned counsel appearing for the petitioner and Smt.Binitha James learned counsel appearing for contesting respondents 3 to 10 and the learned Public Prosecutor appearing for respondents 1 and 2.

4. On a perusal of the materials on record it is seen that the offence alleged against the petitioner is only under Section 420 IPC which is compoundable and that as evident from the aforementioned aspects that the

petitioner has paid the entire amount to be paid to the contesting respondents and the entire dispute had been settled amicably. In this view of the matter the principles laid down by the Apex Court in the case **Gian Singh Vs. State of Punjab reported in [(2012)10 SCC 303=2012(9) SCALE 257]** could fittingly applied in the facts and circumstances of the case. Accordingly, it is ordered in the interest of justice that, impugned Annexure -A1 FIR in Crime No.367/2014 of Rajakkad Police Station, and all further proceedings taken thereunder against the petitioner would stand quashed.

5. The petitioner will produce the certified copy of this order before the Station House Officer concerned and before the court below concerned.

With these observations and directions the Crl.M.C. Stands finally disposed of.

Sd/- **ALEXANDER THOMAS**
JUDGE