

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

Crl.MC.No. 4319 of 2015 ()

CRIME NO. 983/2011 OF OLLUR POLICE STATION, TRISSUR

PETITIONER/ACCUSED:-:

**GOPALA MENON, ULIAN PORATHU VEEDU,
OPP: VELIYANNUR KSHETRAM, THRISSUR - 21.**

BY ADV. SRI.ALPHIN ANTONY

RESPONDENTS/STATE & DEFACTO COMPLAINANT:-:

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. VIVEK MENON, S/O.K.G.MENON,
PARISHRAM - 40, PALLI HILL,
BANDRA, BOMBAY.**

**R1 BY PUBLIC PROSECUTOR SRI. N. SURESH
R2 BY ADVS. SRI.SATHISH NINAN
SRI.SANTHOSH MATHEW
SRI.ARUN THOMAS
SRI.JENNIS STEPHEN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

Crl.MC.No. 4319 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE I: TRUE COPY OF THE F.I.R. NO.983 OF 2011 OF THE OLLUR POLICE
STATION.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

ALEXANDER THOMAS, J.

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Crl.M.C.No.4319 of 2015

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Dated this the 20th day of July, 2015

O R D E R

The prayer in this Crl.M.C is for an order from this Court for quashment of the impugned criminal proceedings on the ground that the issues between the petitioner and the 2nd respondent de facto complainant has been settled. From a perusal of the memorandum of this petition and the materials made available on record, it can be seen that apart from the bald averment in page 2 of the memorandum of Criminal Miscellaneous Case that the entire matter has been settled with the complainant, no affidavit of the 2nd respondent/complainant has been produced to evidence the factum of such settlement and the details of such settlement. Moreover, there is no appearance for the 2nd respondent/de facto complainant through counsel or otherwise. In the light of these aspects, this Court is disabled from considering on merits the plea for quashment on the ground of settlement, even though the offence alleged is only one under Section 420 of the IPC. Therefore, this

petition is closed with liberty to the petitioner to file an appropriate petition after making detailed averments regarding factum of settlement and after producing sworn affidavit of the 2nd respondent/de facto complainant and after giving an opportunity to the State of Kerala as well as the de facto complainant to make submission on such settlement. In the light of these aspects, the CrI.M.C. stands disposed of with the aforestated liberty.

Sd/- ALEXANDER THOMAS, JUDGE

MJL

