

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

Crl.MC.No. 4675 of 2013

C.C.NO. 777/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVAKKAD

PETITIONER(S)/ACCUSED :

**DR.RADHAKRISHNAN, AGED 61 YEARS,
S/O.NARAYANAN, SANTHIMADOM, NORTH PARAVUR,
ERNAKULAMDISTRICT, CHAIRMAN,
M/S.SANTHIMADOM BUILDERS & DEVELOPERS, NORTH PARAVUR,
ERNAKULAM DISTRICT.**

**BY ADVS.SRI.V.A.PRADEEP KUMAR
SMT.JENNY THANKAM**

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. MRS.MARY, AGED 48 YEARS,
W/O.JOSHY THAIKKATTIL HOUSE, MULLASSERY P.O.,
CHAVAKKAD TALUK, PIN - 680 509, THRISSUR DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SMT.BINDU GOPINATH
R2 BY ADV. SRI.SUMODH MADHAVAN NAIR**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 09-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE-A1:** TRUE COPY OF FIR IN CRIME NO.1167/2011 ON THE FILE OF GURUVAYUR POLICE STATION.
- ANNEXURE-A2:** TRUE COPY OF FINAL REPORT IN CRIME NO.1167/2011 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVAKKAD.
- ANNEXURE-A3:** TRUE COPY OF AGREEMENT EXECUTED BY THE 2ND RESPONDENT IN FAVOUR OF THE PETITIONER BEFORE THE NOTARY PUBLIC, CHAVAKKAD, DATED 15.03.2013
- ANNEXURE-A4:** TRUE COPY OF MEDICAL CERTIFICATE ISSUED BY THE LOURDS HOSPITAL TO THE PETITIONER, DATED 19.09.2013.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. ABRAHAM MATHEW, J.

Crl.M.C.No.4675 of 2013

Dated this the 9th day of January, 2014

ORDER

The petitioner is the accused in C.C.No.777/2012 on the file of the Judicial First Class Magistrate, Chavakkad. He is alleged to have committed the offence under Section 420 IPC. The second respondent is the aggrieved person. The proceedings in the trial court is sought to be quashed on the following grounds; no offence is made out in the final report, the matter has been settled between the parties which is evidenced by an agreement and the dispute is of civil nature.

If the materials produced by the prosecution do not disclose commission of the offence, the petitioner may apply for a discharge. If the matter has been settled between the parties, he may approach the learned Magistrate for permission under section 320 Cr.P.C. It is not appropriate

to invoke the extraordinary jurisdiction of this court under
Section 482 Cr.P.C.

In the result, this Crl.M.C. is dismissed.

Sd/-
K. ABRAHAM MATHEW
JUDGE

//True copy//

P.A. TO JUDGE

shg/