

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

Cr1.MC.No. 5966 of 2015 ()  
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CMP 4180/2014 of JUDICIAL FIRST CLASS MAGISTRATE'S COURT-I,  
KOCHI  
CRIME NO. 1742/2014 OF MARADU POLICE STATION , ERNAKULAM

PETITIONER/ACCUSED:  
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JAYAKUMAR, AGED 24 YEARS,  
S/O.BALAKRISHNAN, 293A (19/94), ANIL SALAN 2,  
PUTHUPADY, KOTHAMANGALAM -686 673.

BY ADV. SRI.SAJIV.C.K.

RESPONDENTS/DEFACTO COMPLAINANT:  
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1. STATE OF KERALA  
REPRESENTED BY SUB INSPECTOR OF POLICE,  
MARADU POLICE STATION THROUGH PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM- 682 031.

2. M/S. DAKSH, SAMSUNG EXCLUSIVE SERVICE CENTER,  
29.5B, 1ST FLOOR, C.JACOBS & SONS BUILDING,  
S.A.ROAD, VYTILLA  
ERNAKULAM REPRESENTED BY ITS MANAGING PARTNER SUBIN  
MATHEW - 682 020.

R1 BY PUBLIC PROSECUTOR SMT.SAREENA  
R2 BY ADV. SRI.P.P.RAJESH

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 07-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 5966 of 2015 ()

APPENDIX

PETITIONER'S ANNEXURES :

1 CERTIFIED COPY OF THE FIR IN CRIME NO.1742 OF 2014 OF  
MARADU POLICE STATION, ERNAKULAM.

2 COPY OF THE REPLY NOTICE DATED 07.09.2014.

3 COPY OF THE TERMS OF COMPROMISE DATED 03.06.2015 EXECUTED  
BY THE DEFACTO COMPLAINANT AND THE PETITIONER.

4 COPY OF THE RECEIPT DATED 03.06.2015.

RESPONDENTS' ANNEXURES :

NIL

// True Copy //

P.A. To Judge

DSV/10/9/15

**B.KEMAL PASHA, J.**

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CRL.M.C. No.5966 of 2015

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Dated this the 7<sup>th</sup> day of September, 2015

**ORDER**

A private complaint was filed by the defacto complainant before the Judicial First Class Magistrate's Court-I, Kochi, against the petitioner herein, alleging offences punishable under Sections 408, 420, 468 and 469 IPC. The complaint was forwarded to the Police under Section 156 (3) Cr.P.C. Consequently, a crime has been registered as Crime No.1742 of 2014 of the Maradu Police Station, for the offences punishable under Sections 408, 420, 468 and 469 IPC.

2. According to the petitioner, there was only a civil dispute between the parties regarding some amounts allegedly due from the petitioner to the defacto complainant. Just after filing of the private complaint, the matter was settled between the parties and through Annexure 3 a written compromise was entered into. Through Annexure 4, an amount of Rs.12,500/- was paid by the petitioner to the defacto complainant, which he has accepted in full and final

settlement of the dispute in Crime No.1742 of 2014 of the Maradu Police Station. When the matter has been amicably settled between the parties, there is no meaning in proceeding with the matter any further. The entire proceedings in Crime No.1742 of 2014 of the Maradu Police Station as against the petitioner can be quashed.

In the result, this CrI.M.C. is allowed and all further proceedings in Crime No.1742 of 2014 of the Maradu Police Station as against the petitioner is hereby quashed.

Sd/-

**B. KEMAL PASHA**  
**JUDGE**

*DSV/7/9/15*