

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

Crl.MC.No. 6052 of 2015 ()

CRIME NO. 1743/2014 OF MARADU POLICE STATION , ERNAKULAM

PETITIONER/ACCUSED:

**FRANCIS, AGED 19 YEARS,
S/O.DEVASSYKUTTY K.P., KODIYAN @ KODIYANKAL HOUSE,
IRANIKKULAM P.O., THRISSUR - 680 734.**

BY ADV. SRI.SAJIV.C.K.

RESPONDENTS/DEFACTO COMPLAINANT:

- 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 AND SONS BUILDING,
S.A.ROAD, VYTILA, ERNAKULAM
REPRESENTED BY ITS MANAGING PARTNER
SUBIN MATHEW - 682 020.**

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

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

Crl.MC.No. 6052 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE-1: COPY OF THE FIR IN CRIME NO.1743/2014 OF MARADU POLICE
STATION, ERNAKULAM.**

ANNEXURE-2: COPY OF THE REPLY NOTICE DATED 7.9.2014

**ANNEXURE-3: COPY OF THE TERMS OF COMPROMISE DATED 23.6.2015 EXECUTED
BY THE DEFACTO COMPLAINANT AND THE PETITIONER**

ANNEXURE-4: COPY OF THE RECEIPT DATED 23.6.2015

RESPONDENT(S)' ANNEXURES: NIL

//TRUE COPY//

PA TO JUDGE

skr

SUNIL THOMAS, J.

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CrI.M.C.No. 6052 of 2015

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Dated this the 9th day of September, 2015

ORDER

The petitioner herein is the sole accused in crime No.1743 of 2014 of Maradu Police Station for offences punishable under Section 408, 420, 468 and 469 of IPC.

2. The allegation of the accused was that while working as Service Engineer in the 2nd respondent firm, he committed various offences as mentioned in the private complainant. Pursuant to the complaint launched, crime was registered and the police is investigating. Contending that the complaint was filed due to mistake of fact, notwithstanding which the parties have settled the dispute, the petitioner has approached this court, under Section 482Cr.P.C.

3. Heard the learned counsel for the petitioner and the 2nd respondent who has entered appearance through the counsel.

4. I feel that essentially it is a dispute between two private parties, and essentially has a flavour of civil dispute also. They have settled their dispute amicably and nothing survives, thereafter. The learned counsel for the 2nd respondent also submitted that he has no surviving grievance. No public interest is also involved in the above litigation. Hence a continuance of the criminal proceedings in the above circumstance will only result in manifest injustice. Hence, I am inclined to allow the petition.

In result Crl.M.C. Is allowed and the entire proceedings arising from crime No. 1743 of 2014 of Maradu Police station, is hence quashed.

Sd/-
SUNIL THOMAS,
JUDGE.