

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

Cr1.MC.No. 4867 of 2014

IN CC 93/2012 OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT
(E&O), ERNAKULAM

CRIME NO. 33/2011 OF ERNAKULAM SOUTH POLICE STATION, ERNAKULAM

PETITIONERS/ACCUSED:

1. BETRON BUILDERS PVT. LTD.,
G-144, PANAMPILLY NAGAR, KOCHI-682036
REPRESENTED BY ITS MANAGING DIRECTOR, V.D.SEBASTIAN
S/O. THE LATE V.T.SEBASTIAN, AGED 49 YEARS
PANAMPILLY NAGAR, KOCHI-682036.
2. V.D.SEBASTIAN, AGED 49 YEARS,
S/O. THE LATE V.T.SEBASTIAN, PANAKKAL HOUSE,
NEAR BSNL
PANAMPILLY NAGAR, KOCHI-682036.

BY ADVS.SRI.C.S.MANU
SRI.S.K.PREMRAJ

RESPONDENTS/COMPLAINANT/THE INVESTING OFFICER
AND DE-FACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN-682018.
2. SUB INSPECTOR OF POLICE,
ERNAKULAM TOWN SOUTH POLICE STATION,
ERNAKULAM DISTRICT (NOTICE TO WHOM MAY BE
SERVED ON THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM), PIN-682018.
3. MATHEW GEORGE, AGED 40 YEARS,
S/O. GEORGE MATHEW, FLAT NO. 3C, BROWN STONE MANOR,
PADAMUGAL P.O., KAKKANAD, KOCHI-682030.

R3 BY ADV. SRI.ANOOP JOSEPH
R1 & R2 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 14-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 4867 of 2014

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE 1- CERTIFIED COPY OF FINAL REPORT/CHARGE SHEET IN CRIME NO. 33 OF 2011 ON THE FILES OF ERNAKULAM TOWN POLICE STATION, ERNAKULAM DISTRICT TAKEN ON THE FILE AS C.C.NO. 93 OF 2012 ON THE FILES OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE'S COURT, (ECONOMIC OFFENCES) ERNAKULAM.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.4867 of 2014

Dated this the 14th day of January, 2015

O R D E R

The petitioners herein are the accused in C.C No.93/2012 before the Additional Chief Judicial Magistrate Court (ECO), Ernakulam. The offences involved in the crime, registered on the complaint of one Mathew George, are under Sections 406, 409 and 420 of the Indian Penal Code. The petitioners now seek orders quashing the prosecution against them on the ground of amicable settlement of the dispute out of court. The defacto complainant Mathew George is the 3rd respondent in this proceeding. He has filed affidavit to the effect that he has settled the whole dispute with the accused, and he has no complaint or grievance now. The affidavit by the 3rd respondent is accepted. I am well satisfied that the parties have really settled the whole dispute. In such a situation, continuance of prosecution will not serve any purpose because the complainant or the other material witnesses will not in any manner support the prosecution, if the case against the

petitioners goes to trial. Continuance of prosecution will also cause harm and hardship to both the parties.

In the result, this Criminal Miscellaneous Case is allowed. The prosecution against the petitioners herein in C.C No.93/2012 before the Additional Chief Judicial Magistrate Court (EO), Ernakulam, will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

**P.UBAID
JUDGE**

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