

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

Cr1.MC.No. 6446 of 2015 ()

CC 357/2015 of JUDICIAL FIRST CLASS MAGISTRATE'S COURT,
ERATTUPETTA

PETITIONER/ACCUSED:

ANIMON SALIM, AGED 31 YEARS,
S/O.C S SALIM, CHEMANANACHALIL VEEDU,
MATTAKKADU BHAGOM, ERATTUPETTA.

BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY

RESPONDENTS/INFORMANT/STATE:

1. STATE OF KERALA,
REP BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM-682031.
(CRIME NO 106/2015 OF ERATTUPETTA POLICE STATION,
KOTTAYAM DISTRICT)

2. RAJAGOPALAN NAIR, AGED 46 YEARS,
S/O.SIVARAMA PILLA, PUTHENPURACKAL VEEDU,
PERUMBAVOOR BHAGOM, 683542, KOOVAPPADY VILLAGE,
ERNAKULAM DISTRICT

R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE
R2 BY ADV. SRI.ANILKUMAR.K.N.PILLAI

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

DSV/27/10/15

Cr1.MC.No. 6446 of 2015 ()

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE 1:- COPY OF THE FINAL REPORT IN CC NO 357/15 ON THE
FILE OF THE JUDICIAL MAGISTRATE OF FIRST CLASS, ERATTUPETTA.

ANNEXURE II:-AFFIDAVIT SWORN BY THE INFORMANT/2ND RESPONDENT
DATED 26.09.2015.

RESPONDENTS' ANNEXURES:

NIL

// True Copy //

P.A. To Judge

DSV/27/10/15

B. KEMAL PASHA, J.

.....
Crl.M.C. No.6446 of 2015 A
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Dated this the 15th day of October, 2015

O R D E R

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Petitioner is the accused in CC No.357/2015 of the Judicial First Class Magistrate's Court, Erattupetta, which has arisen from Crime No.106/2015 of Erattupetta Police Station for the offences punishable under Sections 406, 408 and 420 IPC.

2. The allegations are with regard to some money transactions. Presently, the matter involved has been amicably settled between the petitioner and the de facto complainant. A civil suit was also pending in respect of the matter as OS No.17/2015 before the Subordinate Judge's Court, Pala. The matter was referred to the Lok Adalat. The parties have discussed the matter and settled it amicably

and a compromise was filed in the suit, on the basis of which, an award was passed which has the force of a decree. The entire amount has been paid by the petitioner to the de facto complainant.

3. The de facto complainant has filed Annexure-II affidavit stating that the entire matter has been amicably settled between him and the petitioner and, therefore, he has no complaints against the petitioner. When the matter relates to a money transaction and the same has been settled between the parties, a lenient view can be taken in the matter and the settlement arrived at between the parties can be accepted. No purpose would be served in proceeding with the matter further. Matters being so, this Court is of the view that Annexure-I final report and all further proceedings in CC No.357/2015 of the Judicial First Class Magistrate's Court, Erattupetta, which has arisen from Crime No.106/2015 of Erattupetta Police Station, can be quashed.

In the result, this Crl.M.C. is allowed and Annexure-I final report and all further proceedings in CC No.357/2015 of the Judicial First Class Magistrate's Court, Erattupetta, which has arisen from Crime No.106/2015 of Erattupetta Police Station, are quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/15/10

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PA to Judge