

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.D.RAJAN**

**TUESDAY, THE 20TH DAY OF OCTOBER 2015/28TH ASWINA, 1937**

**CrI.MC.No. 6651 of 2015 ()**  
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**CrI.M.P.No.5855/2015 of J.M.F.C.-III, THRISSUR DATED 15-09-2015  
CRIME NO.1540/2015 OF MANNUTHY POLICE STATION , THRISSUR**  
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**PETITIONER(S)/ACCUSED :**  
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- 1. SINEESH  
ELAPARAMBIL HOUSE, VELLANIKKARA, PANDIPARAMBU  
THRISSUR.**
- 2. JAYANTHI SREEDHARAN  
OLIKKAL HOUSE, VELLANIKKARA, THRISSUR.**

**BY ADVS.SRI.SHAJI THOMAS  
SRI.BINU PAUL  
SRI.B.RAJESH (KOTTAYAM)  
SRI.H.KIRAN**

**RESPONDENT(S)/STATE & COMPLAINANT :**  
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- 1. STATE OF KERALA  
REPRESENTED BY ITS PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM. 682 031**
- 2. VISWAMBHARAN  
THOPPIL HOUSE, THALIKKODU, PANANCHERRY VILLAGE  
THRISSUR DISTRICT - 680 020.**

**R1 BY PUBLIC PROSECUTOR SMT.MAYA  
R2 BY ADV. SRI.SHINE MATHEWS(VADAKKEKARA)**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
20-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**Crl.MC.No. 6651 of 2015 ()**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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- ANNX.A1 - TRUE COPY OF THE FIR DATED 12.09.2015 OF MANNUTHY  
POLICE STATION, THRISSUR DISTRICT.**
- ANNX.A2 - TRUE COPY OF THE ORDER IN CRL.M.P. 5855/2015 DATED  
15.09.2015 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,  
THRISSUR**
- ANNX.A3 - TRUE COPY OF THE STATEMENT SIGNED BY THE DEFACTO  
COMPLAINANT DT. 14.09.15**

**RESPONDENT(S)' EXHIBITS**  
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**NIL**

**/TRUE COPY/**

**PA TO JUDGE**

**VS**

**P.D.RAJAN, J.**

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**Crl.M.C.No.6651 of 2015**

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Dated this the 20<sup>th</sup> day of October, 2015

**ORDER**

This petition is filed under Section 482 of the Code of Criminal Procedure (hereinafter called 'the Code' for short) to quash Annexure A1 First Information Report in Crime No.1540/15 of Mannuthy Police station, on the basis of Annexure A2 observation of the Judicial First Class Magistrate Court, Thrissur. Petitioners are the accused Nos. 1 and 2 in the above crime, which was registered for offence punishable under Section 420 read with 34 of the Indian Penal Code, on the basis of a complaint filed by the 2<sup>nd</sup> respondent. The allegation against the petitioners is that they accepted a sum of Rs.3,25,000/- from the complainant, by offering him a job. Subsequently they failed.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor, appearing for the first

respondent.

3. The learned counsel for the petitioners contended that the complainant and the accused are close relatives and they have settled the disputes between them by a compromise and also filed a compounding petition before the Judicial First Class Magistrate Court, Thrissur. As per Annexure A2, on 15.09.2015, in CMP.No.5855/2015 in Crime No.1540/2015 of Mannuthy police station, the learned Magistrate observed that the defacto complainant has appeared and filed an application to compound the offence. They were enlarged on bail on executing bond for Rs.15,000/- with 2 solvent sureties each for like sum.

4. The learned Public Prosecutor admitted that there is no meaning in continuing the prosecution, on the ground of settlement arrived between the parties. Going by the decisions of ***State of Haryana v. Bhajan Lal [1992 SCC (Crl) 426]***, ***R.P.Kapur v. State of Punjab [AIR 1960 SC 866]*** and ***Madhu Limaye v. State of Maharashtra [AIR 1977 SCC (Crl) 10]***, I am convinced

that the matter is settled between the parties and the continuation of criminal proceedings, after compromise is an abuse of process of the court.

In the circumstances, Crime No.1540/2015 of Mannuthi police station is quashed, invoking inherent power under Section 482 of the Code of Criminal Procedure.

Sd/-  
**P.D.RAJAN**  
**JUDGE**

VS