

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

**PRESENT:**

**THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW**

**TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 1936**

**Crl.MC.No. 6083 of 2013 ()**  
-----

**AGAINST THE ORDER/JUDGMENT IN CC 1862/2013 OF JUDICIAL FIRST CLASS  
MAGISTRATE, CHAVAKKAD**

**PETITIONER:**  
-----

**DR. RADHAKRISHNAN, AGED 62 YEARS  
S/O.NARAYANAN, SANTHIMADOM  
SOUTH NALUAZHY, NORTH PARAVUR  
ERNAKULAM DISTRICT  
CHAIRMAN M/S.SANTHIMADOM BUILDERS & DEVELOPERS  
NORTH PARAVUR, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.V.A.PRADEEP KUMAR  
SMT.JENNY THANKAM**

**RESPONDENTS:**  
-----

**1. STATE OF KERALA  
REPRESENTED BY S.I OF POLICE GURUVAYUR  
THROUGH PUBLIC PROSECUTOR  
HIGH COURT OF KERALA.**

**2. MRS.INDU, AGED 37 YEARS  
W/O.RAJAGOPAL, ABHIRAMI  
MORAYUR P.O.MALAPPURAM DISTRICT PIN - 673 649.**

**R1 BY SENIOR PUBLIC PROSECUTOR SRI. C. RASHEED**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 06-01-2015,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**Crl.MC.No. 6083 of 2013 ()**  
-----

**APPENDIX**

**PETITIONER'S ANNEXURES**  
-----

**ANNEXURE-A1: TRUE COPY OF FIRST INFORMATION REPORT IN CRIME  
NO.628/2012**

**ANNEXURE-A2: TRUE COPY OF THE CHARGE SHEET IN CRIME NO.628/2012 IN  
C.C.NO.1862/2013.**

**ANNEXURE-A3: TRUE COPY OF THE COMPROMISE AGREEMENT EXECUTED BY THE  
2ND RESPONDENT IN FAVOUR OF THE PETITIONER DATED 12.6.2012**

**ANNEXURE-A4: PROCEEDINGS OF THE JFCM-I CHAVAKKAD DATED 11.10.2013 AND  
13.11.2013**

**RESPONDENTS' ANNEXURES**  
-----

**NIL**

*//True copy//*

P.A. TO JUDGE

Shg/

**K. ABRAHAM MATHEW, J.**

-----  
**Crl.M.C.No.6083 of 2013**  
-----

**Dated this the 6<sup>th</sup> day of January, 2015**

**O R D E R**

The petitioner is the accused in C.C.No.1862/2013 on the file of the Judicial First Class Magistrate Court, Chavakkad. He is alleged to have committed the offence under Section 420 IPC. The prayer is to quash the final report.

2. Heard.

3. The petitioner's case is that he and the second respondent, the defacto complainant have entered into a 'compromise agreement', a copy of which is marked as Annexure A3 and the second respondent has failed to perform her part of the agreement. The petitioner did not appear before the trial court, whereupon it has issued a non bailable arrest warrant against him.

4. The agreement between the parties cannot be a ground to quash the proceedings. If the offence has been compounded, the petitioner may approach the trial court.

Another ground is that the ingredients of Section 420 IPC are not satisfied. If that is true, the petitioner may plead for a discharge. I find no reason to quash the proceedings.

In the result, this Crl.M.C is dismissed.

Sd/-

**K. ABRAHAM MATHEW  
JUDGE**

//True copy//

P.A. TO JUDGE

shg/