

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

Crl.MC.No. 6585 of 2014 ()

IN CC 2697/2009 of J.M.F.C.-I,THRISSUR

PETITIONER(S)/ACCUSED NO.2:

**N.A ABHILASH AGED 31 YEARS
S/O.N.V.APPU, NOCHIKKATTU HOUSE, CHERAI P.O.
PALLIPPURAM VILLAGE, KOCHI TALUK.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN**

RESPONDENT(S):

- 1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. SUKUMARAN
S/O.KARTHIYAYANI, CHATHAPPADI VEEDU, CHATHAKUDAM DESOM
VALLACHIRA VILLAGE, THRISSUR DISTRICT-680 721.**

R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 6585 of 2014 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE-AI. CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.571/2008
WHICH IS NOW PENDING AS CC 2697/2009.**

**ANNEXURE-AII. TRUE COPY OF THE RECONSTITUTED PARTNERSHIP DEED DATED
20/11/2007.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No.6585 of 2014

Dated this the 4th day of March, 2015.

O R D E R

The petitioner herein is the second accused in C.C No.2697 of 2009 of the Judicial First Class Magistrate Court-I, Thrissur, involving the offence under Section 420 IPC. The complaint against the petitioner and the co-accused arose out of a chitty transaction. The petitioner herein is the main accused in the case, and the other accused is only the person who helped him in the chitty business. The liability to make payment to the different subscribers is only that of the petitioner herein. He now seeks orders quashing the prosecution under Section 482 Cr.P.C on the ground that he has settled the whole dispute with all the victims. He has also produced affidavit by the different victims, to the effect that they all have received the money due from the petitioner, and that they have no grievance or complaint now. In spite of efforts, the petitioner could not locate a few among the subscribers. The total liability towards these persons comes to

below Rs.50,000/- according to the petitioner. However, as directed by the court he deposited an amount of Rs.1,00,000/- in the court below to satisfy the claims of those persons who could not be located. I am well satisfied that there is a genuine and real settlement between the petitioner and the different victims of offence. Those victims are not in fact interested in prosecuting the matter, and their concern is only to get the amount due, from the petitioner. They all have received the amount due and as regards the other four who could not be located in spite of efforts, sufficient amount is in court deposit. I am well satisfied that the amount now deposited by the petitioner in the court below will satisfy the claims of the others. In the circumstance of a settlement as reported, I find that continuance of prosecution will not serve any purpose. None of the victims will support the prosecution or implicate the petitioner, if the case goes to trial, in the above circumstance of an amicable settlement out of court. The offence under Section 420 IPC is compoundable under the law. But in the present circumstance composition as such is not practicable, and that is why the petitioner seeks orders from this court under Section 482 Cr.P.C. The amount in deposit will have to continue as such till the claims of the

other victims are satisfied.

In the result, accepting the amicable settlement made out of court, this Crl.M.C is allowed. The prosecution against the petitioner in C.C No.2697 of 2009 of the Judicial First Class Magistrate Court- I, Thrissur will stand quashed under Section 482 Cr.P.C. The amount of Rs.1,00,000/- deposited by him in the court below will continue in court deposit, to satisfy the claims of CWs 4, 7, 13 and 14 who could not be located in spite of efforts. Till their claim is satisfied, the petitioner will not be allowed to withdraw any amount from the amount in deposit.

P.UBAID,
JUDGE

sab