IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE G.GIRISH

TUESDAY, THE 1ST DAY OF APRIL 2025 / 11TH CHAITHRA, 1947

CRL.MC NO.2945 OF 2020

CRIME NO.120/2019 OF KALIYAR POLICE STATION, IDUKKI
IN CC NO.1146 OF 2019 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - I (FOREST OFFENCES), THODUPUZHA

PETITIONERS/ACCUSED NOS.1 TO 3:

1 REGHUNATHAN
AGED 51 YEARS, S/O.KRISHNAN, RAMACHANDRAN NAGAR, COIMBATORE SOUTH COIMBATORE.

2 JAYAKUMAR,
AGED 31 YEARS, S/O.KARUNANIDHI, 4/574, NANJAPPA NAGAR, KALLUPALAYAM P.O., GOPICHETTIPALAYAM, PIN - 572130.

3 KARUNANIDHI,
AGED 68 YEARS, S/O.ANANTHARAJAN, 4/574, NANJAPPA NAGAR, KALLUPALAYAM P.O., GOPICHETTIPALAYAM, PIN - 572 130.

BY ADV
M.B.SHYNI

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

1 STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031.

2 DONI BIJU,
AGED 25 YEARS, S/O.BIJU ABRAHAM,
THAZHAUTHEKKUDIYIL HOUSE, VANNAPPURAM,
KALIYAR, IDUKKI DISTRICT, PIN-685607.

3 DANY JOHNSON,
AGED 27 YEARS, S/O.JOHNSON, KIZHAKALAYIL HOUSE,
VANNAPPURAM, KALIYAR, IDUKKI DISTRICT.

BY ADV.
N.K.SHYJU
SMT SEETHA S, SR PP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01.04.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

G. GIRISH, J.

Crl.M.C.No.2945 of 2020

Dated this the 1st day of April, 2025

ORDER

Petitioners are accused Nos.1 to 3 in C.C.No.1146 of 2019 on the files of the Judicial First Class Magistrate Court - I, Thodupuzha. The prosecution case is that the petitioners, pretending themselves to be the proprietors of an establishment by name 'Coimbathoor Centre for International Education and Training', defrauded CWs 1 and 2 by offering employment for them in an oil company in Turkey, and collected a total amount of Rs.6,34,000/- from them, and thereafter, did not arrange the job assured or return the amount collected from them. Thus, the petitioners are alleged to have committed the offence punishable under Sections 406 and 420 IPC read with Section 34 IPC.

2. In the present petition, the petitioners would contend that the issue involved has been amicably settled with CWs 1 and 2, and hence, the proceedings initiated against them are to be quashed.

3. Heard the learned counsel for the petitioners, the learned Public Prosecutor representing the 1st respondent and the learned counsel representing respondents 2 and 3.

4. CWs 1 and 2, who are the persons aggrieved by the offence alleged in this case, have filed affidavits stating that they are not having any grievance as against the petitioners, since the matter has been amicably settled. It is further stated in the aforesaid affidavits that they have no objection in terminating the prosecution proceedings against the petitioners.

5. The learned counsel representing respondents 2 and 3 also submitted that the entire loss sustained by the aggrieved persons have been mitigated by the payment of money by the petitioners, and hence, they are not having any subsisting grievance as against the petitioners. It is further submitted that the proceedings against the petitioners are to be quashed to meet the ends of justice.

6. The learned Public Prosecutor, upon instructions from the Investigating Officer, submitted that a report had been submitted by the Station House Officer, Kaliyar Police Station on 19.07.2020 itself

stating that, as per the information gathered by the investigating agency also, the matter was found to have been settled between the parties.

7. In the light of the above development in this case, wherein the persons aggrieved by the offence are no more interested in proceeding with the prosecution, since the issue has been amicably settled with the petitioners, the continuance of the prosecution proceedings against the petitioners can only be termed as an abuse of process of court. Therefore, the prayer in this petition to quash the proceedings against the petitioners, has to be allowed.

In the result, the petition stands allowed. The proceedings against the petitioners / accused in C.C.No.1146 of 2019 on the files of the Judicial First Class Magistrate Court - I, Thodupuzha, are hereby quashed.

Sd/-
G. GIRISH
JUDGE

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APPENDIX OF CRL.MC 2945/2020

PETITIONER ANNEXURES

ANNEXURE I	**A TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.120/2019 OF KALIYAR POLICE STATION, IDUKKI DISTRICT SUBMITTED BEFORE THE HON'BLE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, THODUPUZHA.**
ANNEXURE II	**A TRUE COPY OF THE CHARGE SHEET IN CRIME NO.120/2019 OF KALIYAR POLICE STATION, IDUKKI DISTRICT WHICH IS PENDING IN C.C.NO.1146/2019 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, THODUPUZHA, IDUKKI DISTRICT.**
ANNEXURE III	**AFFIDAVIT SWORN BY THE 2ND RESPONDENT/COMPLAINANT DATED 10.06.2020.**
ANNEXURE IV	**AFFIDAVIT SWORN BY THE 3RD RESPONDENT/COMPLAINANT DATED 10.06.2020.**