

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

FRIDAY, THE 1ST DAY OF MARCH 2024 / 11TH PHALGUNA, 1945

CRL.MC NO. 908 OF 2024

CRIME NO.626/2009 OF Alappuzha South Police Station, Alappuzha
AGAINST THE ORDER/JUDGMENT DATED IN LP NO.31 OF 2012 OF JUDICIAL
MAGISTRATE OF FIRST CLASS -I, ALAPPUZHA

PETITIONERS/ACCUSED:

- 1 SOFIYA
AGED 47 YEARS
D/O KUNJUMOL, KANNADIPADEEKATHIL, THRIPPERUNTHURA,
CHERUKOLE, CHENNITHALA VILLAGE, MAVELIKKARA, ALAPPUZHA,
PIN - 690104.
- 2 JEROME
AGED 53 YEARS
S/O THOMAS, KANNADIPADEEKATHIL, THRIPPERUNTHURA,
CHERUKOLE, CHENNITHALA VILLAGE, MAVELIKKARA, ALAPPUZHA,
PIN - 690104.
BY ADV C.Y.VINOD KUMAR

RESPONDENTS/STATE:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, PIN - 682031.
- 2 SUB INSPECTOR OF POLICE
ALAPPUZHA SOUTH POLICE STATION, CIVIL STATION WARD,
ALAPPUZHA, PIN - 688001.
- 3 KURUVILA VARGHESE @ BABU
S/O T.K. VARGHESE @ GEEVARGHESE, THACHEDATHU
PUTHENPURAYIL, VAZHIVHERRY WARD, EAST OF HEAD POST
OFFICE, ALAPPUZHA, PIN - 688001.
- 4 MINI KURUVILA
W/O KURUVILA VARGHESE @ BABU, THACHEDATHU
PUTHENPURAYIL, VAZHIVHERRY WARD, EAST OF HEAD POST
OFFICE, ALAPPUZHA, PIN - 688001.
BY ADV R.VIJAYACHANDRAN
SRI. T.R. RANJITH - PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
01.03.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

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Crl.M.C. No.908 of 2024

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Dated this the 1st day of March, 2024

ORDER

Petitioners have invoked the jurisdiction under Section 482 Cr.P.C to quash all proceedings against them.

2. Petitioners are accused 1 and 2 in Crime No.626/2009 of Alappuzha South Police Station now pending as C.C. No.723/2011 on the files of the Judicial First Class Magistrate's Court I, Alappuzha, registered for the offences under Section 420 read with Section 34 of the Indian Penal Code, 1860. Respondents 3 and 4 are the defacto complainant and injured witness.

3. According to the prosecution, on various dates between 08.8.2008 to 19.8.2008 the accused had cheated the defacto complainant after collecting gold ornaments worth several lakhs promising to return and thereafter failed to return the same and thereby committed the offences alleged.

4. Heard the learned counsel for the petitioners and the

learned counsel for the respondents, apart from the learned Public Prosecutor.

5. The learned counsel for the petitioners submitted that the matter has been settled and hence the proceedings against the petitioners ought to be quashed. It was also submitted that, considering the nature of offences alleged, no purpose would be served by continuing the proceedings.

6. In **Gian Singh v. State of Punjab and Another** [(2012) 10 SCC 303], the Apex Court has held that in appropriate cases, the High Court can take note of the amicable resolution of disputes between the victim and the wrongdoer to put an end to the criminal proceedings. This view was reiterated in **Narinder Singh and Others v. State of Punjab and Another** [(2014) 6 SCC 466] and **Yogendra Yadav and Others v. State of Jharkhand and Another** [(2014) 9 SCC 653].

7. I have perused Annexure A2 and Annexure A3 affidavits filed by respondents 3 and 4. The learned Public Prosecutor has submitted that upon verification, it is understood that the affidavit is genuine, and the defacto complainant and other deponent stand by the contents

thereof. I am satisfied that the matter has been settled and no public interest is involved in this case. There is no impediment for granting the prayer for quashing. The continuance of the proceedings will only be an exercise in futility.

8. Accordingly, all proceedings against the petitioners in C.C. No.723/2011 on the files of the Judicial First Class Magistrate's Court I, Alappuzha, are quashed.

Crl.M.C is allowed as above.

Rvm

**Sd/-
BECHU KURIAN THOMAS
JUDGE**

APPENDIX OF CRL.MC 908/2024

PETITIONER ANNEXURES

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| <i>Annexure A1</i> | <i>CERTIFIED COPY OF THE FINAL REPORT IN LP NO. 31/12 ON THE FILES OF HON'BLE JUDICIAL MAGISTRATE OF FIRST CLASS - I, ALAPPUZHA.</i> |
| <i>Annexure A2</i> | <i>TRUE COPY OF THE AFFIDAVIT SWORN IN BY THE 3RD RESPONDENT/CW1.</i> |
| <i>Annexure A3</i> | <i>TRUE COPY OF THE AFFIDAVIT SWORN IN BY THE 4TH RESPONDENT/CW2.</i> |