

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE G.GIRISH

FRIDAY, THE 29TH DAY OF DECEMBER 2023 / 8TH POUSHA, 1945

CRL.MC NO. 3345 OF 2023

CRIME NO.154/2023 OF Hill Palace Police Station, Ernakulam

PETITIONER/S:

- 1 BINU K PUNNOSE**
AGED 45 YEARS, S/O. PUNNOSE K, RESIDING AT
KARUKUNNATH (H), KOKKAPPILLY P.O, VENNIKULAM,
THIRUVANIY00R, ERNAKULAM, PIN - 682305
- 2 LEBONIMOLE**
AGED 43 YEARS, D/O KURIAKOSE, RESIDING AT
KARUKUNNATH (H), KOKKAPPILLY P.O, VENNIKULAM,
THIRUVANIY00R, ERNAKULAM, PIN - 682305

BY ADVS.
V.HARISH
RAJAN VISHNURAJ

RESPONDENT/S:

- 1 STATE OF KERALA**
(REPRESENTED BY STATION HOUSE OFFICER, HILL
PALACE POLICE STATION) REPRESENTED THROUGH
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, PIN - 682031
- 2 V.K GIREESH KUMAR**
AGED 43 YEARS, S/O VISWANATHA PILLAI, RESIDING
AT KIZHAKKEKOYIKKAL, MANGARAM, KONNI P.O,
PATHANAMTHITTA, PIN - 689691

BY ADV.

SMT.NIMA JACOB, PP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29.12.2023, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

G. GIRISH, J.

Crl.MC No.3345 of 2023

Dated this the 29th day of December, 2023

O R D E R

Heard the learned counsel appearing for the petitioners, the learned Public Prosecutor representing the 1st respondent and the learned counsel Adv. Noel Jacob appearing for the 2nd respondent.

2. The present Crl.MC is filed under Section 482 of the Code of Criminal Procedure for quashing Annexure-A1 F.I.R. in Crime No.154/2023 of Hill Palace Police Station, Ernakulam and all further proceedings pursuant to it.

3. It is submitted by the counsel

representing the petitioners and the second respondent that the dispute between the parties have been amicably settled pursuant to a mediation at the instance of High Court Mediation Centre. A copy of the memo of settlement under Section 89 of the Code of Civil Procedure r/w Rules 24 and 25 of the Civil Procedure (Alternative Dispute Resolution), Rules 2008 has been brought on record as Annexure-A4.

4. The learned Public Prosecutor representing the 1st respondent also submitted that she has got instructions from the investigating officer that the parties have amicably sorted out the dispute between them and that the defacto complainant had given a statement before the 1st respondent that he is not

at all interested in proceeding with the prosecution pursuant to Annexure-A1 F.I.R. A copy of the statement submitted by the Inspector of Police, Hill Palace Police Station is placed before me for perusal.

5. Having regard to the facts and circumstances of the case as revealed from the above records, as well as the submissions at bar, I feel that the criminal proceedings pursuant to Annexure-A1 F.I.R. are totally unnecessary. The continuation of the above criminal proceedings will not serve any purpose and it will only lead to the abuse of process of court. In the above circumstances, it appears to be necessary in the interest of justice to quash all further proceedings pursuant to Annexure-A1 F.I.R. registered in Crime

No.154/2023 of Hill Palace Police Station,
Ernakulam City.

In the result, the petition stands allowed.
Annexure-A1 F.I.R. in Crime No.154/2023 of Hill
Palace Police Station, Ernakulam, and all further
proceedings pursuant to it, stand quashed.

Sd/-

**G. GIRISH
JUDGE**

nvj

APPENDIX OF CRL.MC 3345/2023

PETITIONER ANNEXURES

ANNEXURE A1 A TRUE PHOTOCOPY OF THE FIRST INFORMATION REPORT IN THE CRIME NO. 154/2023 REGISTERED BY THE HILL PALACE POLICE STATION, ERNAKULAM DISTRICT

ANNEXURE A2 A TRUE PHOTOCOPY OF THE DEED OF PARTNERSHIP DATED 15.01.2016 EXECUTED BETWEEN THE 1ST PETITIONER AND THE DEFACTO COMPLAINANT

ANNEXURE A3 A TRUE PHOTOCOPY OF THE DEED OF PARTNERSHIP DATED 07.06.2016 EXECUTED BETWEEN THE PETITIONERS AND THE DEFACTO COMPLAINANT

ANNEXURE A4 A TRUE PHOTOCOPY OF THE AGREEMENT DATED 24.03.2023 EXECUTED BETWEEN THE PETITIONERS, THE DEFACTO COMPLAINANT AND M/S SURYANSH BROADCASTING PVT. LTD

ANNEXURE A5 A TRUE PHOTOCOPY OF THE JUDGEMENT DATED 30.03.2023 PASSED BY THIS HON'BLE COURT IN RP NO. 436/ 2023

ANNEXURE A5(A) A TRUE PHOTOCOPY OF THE JUDGEMENT DATED 30.03.2023 PASSED BY THIS HON'BLE COURT IN RP NO. 438/2023

ANNEXURE A6 THE AFFIDAVIT SOLEMNLY AFFIRMED BY THE DEFACTO COMPLAINANT STATING THAT THE ENTIRE DISPUTES BETWEEN HIM AND THE PETITIONERS ARE ALREADY SETTLED

RESPONDENTS EXHIBITS :NIL

//TRUE COPY// PA TO JUDGE