

George Mathew. Vs. Thomas.

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Court : Kerala

Decided On : Dec-22-2010

Reported in : ILR2010(4)Ker467

Judge : M.Sasidharan Nambiar, J.

Acts : Code of Criminal Procedure (CrPC) - Sections 156(3), 482; Indian Penal Code (IPC) - Section 465 read with 34

Appeal No. : Cri.MC.No. 4690 of 2010

Appellant : George Mathew.

Respondent : Thomas.

Advocate for Pet/Ap. : SRI.P.VIJAYA BHANU, Adv.

Judgement :

1. Petitioners are the accused and first respondent the de facto complainant in C.C.168/2009 on the file of Chief Judicial Magistrate's Court, Thodupuzha. Crime No.1430/2008 of Thodupuzha Police Station was registered based on the complaint filed by the first respondent before Chief Judicial Magistrate's Court and sent for investigation under Section 156(3) of Code of Criminal Procedure. After completing the investigation, Annexure-A final report was submitted based on which Chief Judicial Magistrate has taken cognizance for the offence under Section 465 read with Section 34 of Indian Penal Code. First petitioner is the son-in-law of the first respondent complainant. The marital relationship between the

first petitioner and his wife, the daughter of first respondent got strained. The allegation in the private complaint and the case in Annexure-A final report is that first respondent had 11= cents of property near to the building where first petitioner is conducting a trade, having obtained it as per registered document No.2986/07 of SRO, Thodupuzha. Petitioners in furtherance of their common intention forged an agreement, as if it was executed by the first respondent in favour of the first petitioner and Rs.5,00,000/- was received as advance towards sale consideration agreeing to sell the property. It is alleged that petitioners thereby committed the offence under Section 465 read with 34 of Indian Penal Code. Petition is filed under Section 482 of Code of Criminal Procedure contending that as the entire disputes with the first respondent were settled amicably, due to intervention of well wishers and religious leaders, and first respondent has no subsisting grievance against the petitioners, he has no objection for quashing the proceedings.

2. Learned counsel appearing for the petitioners, first respondent and learned Public Prosecutor were heard.

3. The offences alleged against the petitioners are purely personal in nature against the first respondent. Affidavit filed by the first respondent establishes that he has settled all the disputes with the petitioners. As held by the Apex Court in Madan Mohan Abbot v. State of Punjab (2008 (3) KLT 19 (SC)), when the offences alleged are purely personal in nature and the disputes were settled between the petitioners and the first respondent, it is not in the interest of justice to continue the prosecution. 3. Petition is allowed. C.C.168/2009 on the file of Chief Judicial Magistrate's Court, Thodupuzha is quashed.

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