

K.N.Abdul Gafoor vs The State Of Kerala on 3 January, 2022

Author: K.Haripal

Bench: K.Haripal

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE K.HARIPAL

MONDAY, THE 3RD DAY OF JANUARY 2022 / 13TH POUSHA, 1943

CRL.MC NO. 554 OF 2021

CRIME NO. 592/2020 OF THE CENTRAL POLICE STATION, ERNAKULAM
PETITIONER:

K.N.ABDUL GAF00R
AGED 55 YEARS, S/O.LATE C.K.KASMI,
RESIDING AT RANGOON, 37/2127 A,
KATHRIKADAVU, KAL00R, KOCHI,
PIN-686668.

BY ADV. JOHN MATHEW (THEREZHATH)

RESPONDENTS:

- 1 THE STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
DISTRICT COURT, ERNAKULAM.
- 2 THE STATION HOUSE OFFICER,
CENTRAL POLICE STATION,
ERNAKULAM, PIN-682017.
- 3 HAJI K.V.ABDULLA KUTTY,
AGED 70 YEARS, S/O.MOIDEENKUNHI,
RESIDING AT DAR ES SALAM HOUSE,
VATTAMPADAM VADAKKEKAD,
THRISSUR DISTRICT, NHAMANGHAT,
THRISSUR DISTRICT, PIN-679563.
- 4 A.C.DEVY,
AGED 45 YEARS
ADVOCATE AND NOTARY ROLL NO.K/355/1996,
INFANT JESUS BUILDING,
IIND FLOOR, NEAR KERALA HIGH COURT,
ERNAKULAM-682031.

R1 & R2 BY SRI. NOUSHAD P.A., SENIOR PUBLIC PROSECUTOR

R3 BY SRI.HARIS BEERAN

SMT.O.A.NURIYA

R4 BY ADV. SRI.A.M.ABDULLA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
03.01.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:
Crl.M.C.No.554 OF 2021 2

ORDER

Petitioner is the first accused in Crime No. 592/2020 of Ernakulam Central Police Station registered on 24.05.2020, at the instance of the third respondent where offence under Sections 406, 417, 468, 471 read with 34 of the Indian Penal Code is alleged against the petitioner and the fourth respondent. The case is under investigation. By the time, the petitioner moved this Court for quashing the proceedings.

2. I heard the learned counsel for the petitioner, the learned Public Prosecutor and also the respective counsel for the third and fourth respondents.

3. Now the matter is settled out of the court. In the affidavit dated 29.09.2021, the third respondent has affirmed that the matter is settled. The fourth respondent also filed an affidavit on 11.11.2021 confirming the settlement. It is purely a personal dispute between the petitioner and the third respondent which stands settled out of court, so that no public interest is hampered.

4. In the light of the settlement reached between the parties, entire proceedings in Crime No. 592/2020 of Ernakulam Central police station are quashed.

Crl. M.C.is allowed as above.

SD/-

K.HARIPAL JUDGE DCS/03.01.2022 APPENDIX PETITIONER'S ANNEXURES ANNEXURE A1
THE TRUE COPY OF THE FIR NO.592 OF 2020 DATED 24.05.2020 REGISTERED AT THE
CENTRAL POLICE STATION IN ERNAKULAM.

ANNEXURE A2 THE TRUE COPY OF THE LEASE DEED DATED 15.03.2017 EXECUTED BY AND
BETWEEN THE PETITIONER AND THE DEFACTO COMPLAINANT AND HIS WIFE WITH
RESPECT TO THE SHOP ROOM BEARING NO.66/4270 OF COCHIN CORPORATION.

ANNEXURE A2(A) THE TRUE COPY OF THE LEASE DEED DATED 15.03.2017 EXECUTED BY
AND BETWEEN THE PETITIONER AND THE DEFACTO COMPLAINANT AND HIS WIFE
RESPECT TO THE SHOP ROOM BEARING NO.66/4271 OF COCHIN CORPORATION.

ANNEXURE A3 THE TRUE COPY OF THE RELEVANT RENT STATEMENT SHOWING THE
PAYMENT OF RENT BY THE PETITIONER TO THE DEFACTO COMPLAINANT DURING THE
PERIOD BETWEEN 18.03.2017 TILL 28.10.2019.

ANNEXURE A4 THE TRUE COPY OF THE REGISTRATION CERTIFICATE NO.21319185000907 DATED 12.11.2019 ISSUED TO THE FIRM UNDER THE FOOD SAFETY AND STANDARDS ACT 2006.

ANNEXURE A5 THE TRUE COPY OF THE NOTICE BEARING NO.32/HIC-19/2019-20 DATED 01.11.2019 ISSUED BY THE CORPORATION TO THE PETITIONER.

ANNEXURE A6 THE TRUE COPY OF THE NOTICE BEARING NO.ISO/MOH15/00394/2020 DATED 04.03.2020 ISSUED BY THE COCHIN CORPORATION TO THE PETITIONER.

ANNEXURE A7 THE TRUE COPY OF THE ORDER DATED 10.03.2020 PASSED BY THE MUNSIF COURT AT ERNAKULAM IN I.A.NO.2 OF 2020 IN O.S.NO.274 OF 2020.

ANNEXURE A8 THE TRUE COPY OF THE COMPLAINTS DATED 16.03.2020 LODGED BY THE PETITIONER BEFORE THE 2ND RESPONDENT AND THE DISTRICT POLICE CHIEF AND THE RELEVANT RECEIPTS ISSUED THERETO.

ANNEXURE A9 THE TRUE COPY OF THE LEGAL NOTICES DATED 14.07.2020 ISSUED BY THE DEFACTO COMPLAINANT TO THE PETITIONER.

ANNEXURE A10: THE TRUE COPY OF THE LEASE DEED DATED 15/03/2017 EXECUTED BY AND BETWEEN THE 3RD RESPONDENT AND THE M/S.M.S.PROPERTIES LLP.

ANNEXURE A10(a): THE TRUE COPY OF THE LEASE DEED DATED 15/03/2017 EXECUTED BY AND BETWEEN THE 3RD RESPONDENT AND THE M/S.E.P.BUILDERS AND DEVELOPERS LLP.

ANNEXURE A11: TRUE COPY OF THE COMPROMISE AGREEMENT DATED 04/03/2021 ENTERED INTO BETWEEN THE PETITIONER & THE 4TH RESPONDENT.