



2026:KER:81829

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE P. V. BALAKRISHNAN

MONDAY, THE 26TH DAY OF OCTOBER 2026 / 4TH KARTHIKA, 1948

CRL.MC NO. 7204 OF 2025

CRIME NO.808/2025 OF THALAYOLAPARAMBU POLICE STATION,
KOTTAYAM

PETITIONER/ACCUSED:

NIVIN PAULY,
AGED 41 YEARS
S/O. LATE PAULY KALAPARAMBATHU,
20/4632, 6TH CROSS, GIRI NAGAR,
KADAVANTHRA, ERNAKULAM,
PIN - 682020

BY ADV
SRI.MILLU DANDAPANI

RESPONDENTS/DEFACTO COMPLAINANT:

- 1 STATE OF KERALA,
STATION HOUSE OFFICER,
THALAYOLAPARAMBU POLICE STATION,
KOTTAYAM DISTRICT,
KERALA, PIN - 686605
- 2 P.S. SHAMNAS,
AGED 44 YEARS
S/O SIDHIQUE. P.A,
PROPRIETOR, INDIAN MOVIE MAKERS,
DOOR NO.1/527,
PALAMKADAVU ROAD, THALAYOLAPARAMBU. P.O
VAIKOM THALUK, KOTTAYAM,
PIN - 686605



CRL.MC No.7204 of 2025

**BY ADVS.
SRI.S.MOHAMMED AL RAFI
SMT.THAJUNA MARIA FRANCIS
SRI.P.VIJAYA BHANU (SR.)
SRI.DEVADAS H.MALLAN,PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 26.10.2026, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:**



P.V. BALAKRISHNAN, J.

Crl.M.C. No.7204 of 2025

Dated this the 26th day of October, 2026

ORDER

The petitioner is the 1st accused in Crime No.808/2025 of Thalayolaparambu Police Station, for alleged to have committed the offences punishable under Sections 406 and 420 read with Section 34 of the IPC.

2. The petitioner has approached this Court by filing this Crl.M.C. under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashment of all the proceedings in the afore case on the ground that the dispute, which led to the registration of the crime, has been settled between the petitioner and the 2nd respondent.

3. Heard the learned counsel for the petitioner, the learned Public Prosecutor appearing for the 1st respondent



and the learned counsel appearing for the 2nd respondent.

4. The learned counsel for the petitioner and the party respondent in one voice submitted that the disputes between the parties, which led to the registration of the afore crime, have been settled between them and the 2nd respondent has no subsisting grievance and does not wish to pursue the case. The learned counsel for the 2nd respondent also submitted that the 2nd respondent has sworn an affidavit stating the afore facts.

5. The learned Public Prosecutor, on instructions, vouches for the settlement reached between the parties and submitted that it is a genuine and *bona fide* settlement. He also submitted that the State has no objection in quashing the proceedings against the petitioner.

6. On going through the materials on record and the submissions made at the Bar, I am of the view that the petitioner and the 2nd respondent have amicably settled the



disputes which led to the registration of the crime. It also shows that the offences alleged against the petitioner are not serious in nature and do not have a serious impact on society. That apart, I am of the view that no purpose will be served in continuing with the prosecution since, the chances of the petitioner getting convicted are bleak. Hence, I find that this is a fit case to invoke the jurisdiction under Section 528 BNSS in favour of the petitioner.

Ergo, this Crl.M.C. is allowed and Annexure A1 FIR in Crime No.808/2025 of Thalayolaparambu Police Station as against the petitioner, is hereby quashed.

Sd/-

P.V. BALAKRISHNAN
JUDGE

hnh

**APPENDIX OF CRL.MC NO. 7204 OF 2025****PETITIONER'S ANNEXURES**

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| Annexure A.1 | A CERTIFIED COPY OF THE FIR WITH FI STATEMENT IN FIR (CRIME) NO:0808/2025 DATED 16.07.2025 OF THALAYOLAPARAMBU POLICE STATION. |
| Annexure.A2. | A NOTARIZED COPY OF THE CO-PRODUCTION AGREEMENT, EXECUTED ON 03.02.2023. |
| Annexure.A3 | A NOTARIZED COPY OF THE MEMORANDUM OF UNDERSTANDING (MOU) DATED 01.02.2021. |
| Annexure.A4 | A TRUE COPY OF THE INJUNCTION ORDER IN I.A. NO. 2 OF 2025 IN O.S.NO. 608 /2025 DATE 26.06.2025, BY THE HON'BLE MUNSIFF COURT, ERNAKULAM. |
| Annexure.A5 | A CERTIFIED COPY OF THE ARBITRATION PETITION, MA (ARBITRATION) NO. 211/2025 FILED ON 27.06.2025 BEFORE THE HON'BLE SUB-COURT, ERNAKULAM BY PETITIONER. |
| Annexure.A6 | A CERTIFIED COPY OF THE INJUNCTION ORDER, I.A. NO. 3/2025 DATED 27.06.2025 IN MA (ARBITRATION) NO. 211/2025 BY THE HON'BLE SUB-COURT, ERNAKULAM |
| Annexure.A7 | A CERTIFIED COPY OF THE CRIMINAL MISCELLANEOUS PETITION (CMP NO. 4765/2025) AND THE AFFIDAVIT FILED BY THE RESPONDENT NO.2 BEFORE THE HON'BLE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, VAIKOM. |
| Annexure.A8 | A CERTIFIED COPY OF THE POLICE REPORT DATED 03.06.2025 FILED BY S.H.O., THALAYOLAPARAMBU, BEFORE THE JFMC-1, VAIKOM, ON 03.07.2025. |
| Annexure.A9 | A CERTIFIED COPY OF THE POLICE REPORT DATED 05.06.2025 FILED BY S.H.O., THALAYOLAPARAMBU BEFORE THE JFMC-1, VAIKOM, ON 05.07.2025. |



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- Annexure.A10** A CERTIFIED COPY OF THE POLICE REPORT FILED BY S.H.O., THALAYOLAPARAMBU ON 09.07.2025.
- Annexure.A11** A CERTIFIED COPY OF THE POLICE REPORT FILED BY S.H.O., THALAYOLAPARAMBU, ON 10.07.2025.
- Annexure.A12** A CERTIFIED COPY OF THE DEPOSITION OF RESPONDENT NO.2 BEFORE JFMC-1, VAIKOM, ON 16.07.2025.
- Annexure.A13** A CERTIFIED COPY OF THE RECEIPT FOR THE TITLE REGISTRATION FROM KERALA FILM CHAMBER OF COMMERCE.
- Annexure.A14** A CERTIFIED COPY OF THE FORGED DOCUMENT.
- Annexure.A15** A CERTIFIED COPY OF THE FORMAL COMPLAINT LODGED BEFORE THE KERALA FILM CHAMBER OF COMMERCE ON 17.07.2025.
- Annexure.A16** A TRUE COPY OF THE FIR REGISTRATION ON 28.07.2025 BY S.H.O., PALARIVATTOM AGAINST RESPONDENT NO. 2 FOR OFFENCES UNDER SECTIONS 465 AND 471 OF THE INDIAN PENAL CODE PERTAINING TO FORGERY.
- Annexure.A17** ORIGINAL COPY OF THE BANK TRANSACTION BETWEEN THE PETITIONER AND THE RESPONDENT NO.2 ON 14.08.2024.
- Annexure.A18** A CERTIFIED COPY OF THE CRIMINAL MISCELLANEOUS PETITION NO.5631/2025 (E-FILE NO.4220/2025) FILED BY THE PETITIONER ON 26.06.2025 BEFORE THE JFMC-1, VAIKOM, AGAINST RESPONDENT NO.2 UNDER SECTION 329 OF BNSS.
- Annexure.A19** A CERTIFIED COPY OF THE ORDER SHEET IN CRIMINAL MISCELLANEOUS PETITION NO.5631/2025 (E-FILE NO.4220/2025) DATED 26.07.2025.
- Annexure A20** CERTIFIED COPY OF LEARNED JUDICIAL FIRST CLASS MAGISTRATE COURT-I, VAIKOM, DATED 12.01.2026



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| Annexure A21 | TRUE COPY OF NOTICE ISSUED BY RESPONDENT NO.2 ON 16.09.2025 TO INVOKE SECTION 11 OF THE ARBITRATION AND CONCILIATION ACT, 1996. |
| Annexure A22 | TRUE COPY OF COUNTER AFFIDAVIT FILED BY RESPONDENT NO.2 ON 05.09.2026 IN ARBITRATION REQUEST -A.R. NO. 212/2025 |
| Annexure A23 | TRUE COPY OF THE ORDER DATED 06.02.2026 OF THE APPOINTMENT OF AN ARBITRATOR IN ARBITRATION REQUEST - A.R. NO. 212/2025. |
| Annexure A24 | A TRUE COPY OF THE AFFIDAVIT SWORN IN BY THE 2ND RESPONDENT, P.S. SHAMNAS, DATED 30.09.2026, EVIDENCING THE AMICABLE SETTLEMENT ARRIVED AT BETWEEN THE PETITIONER AND THE 2ND RESPONDENT |