

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

Crl.MC.No. 643 of 2015 ()

**IN CC 403/2014 of CHIEF JUDICIAL MAGISTRATE COURT,KOLLAM
CRIME NO. 1151/2014 OF KOLLAM EAST POLICE STATION , KOLLAM**

PETITIONER(S)/ACCUSED:

**RATHEESH AGED 27 YEARS
SON OF VASUDEVAN, RESIDING AT PANAVALAVADAKKATHIL
ASRAMAM CHERI, ASRAMAM.P.O., KOLLAM EAST VILLAGE
KOLLAM TALUK, KOLLAM DISTRICT-691 010.**

BY ADV. SRI.S.BIJU (KIZHAKKANELA)

RESPONDENT(S)/STATE/DE-FACTO COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031.**
- 2. RAJESH, AGED 35 YEARS
SON OF RAVEENDRAN ACHARI, RESIDING AT V.K.HOUSE
HOUSE NO.111, NETHAGI NAGAR
ASRAMAM FROM KAVUMBHAGOM VEEDU, HOUSE NO.438
VAIDYASALA NAGAR, ASRAMAM CHERI, KOLLAM EAST VILLAGE
KOLLAM TALUK, KOLLAM DISTRICT-691 010.**
- 3. ANILKUMAR, AGED 45 YEARS
SON OF RAMACHANDRAN NAIR, RESIDING AT 'THEERTHAM'
HOUSE NO.201, ALAATTUKAVU NAGAR, VALLIKEEZHU
KANNIMEL CHERI, SHAKTHIKULANGARA VILLAGE, KOLLAM TALUK
KOLLAM DISTRICT. PIN-691 581.**
- 4. GANDHIVEL, AGED 53 YEARS
SON OF MUNIYAPPAN, RESIDING AT NADAYIL VADAKKATHIL
UDAYAMARTHANDAPURAM CHERI, MUNDAKKAL VILLAGE
KOLLAM TALUK, KOLLAM DISTRICT. PIN-691 001.**
- 5. ANSAR, AGED 44 YEARS
SON OF MOITHEEN KUNJU, RESIDING AT SHANIF MANZIL
ADITHYA NAGAR, MADAN NADA, VADAKKEVILA CHERI
VADAKKEVILA VILLAGE, KOLLAM TALUK
KOLLAM DISTRICT. PIN-691 010.**

R2-5 BY ADV. SMT.T.P.SNDHUMOL

R1 BY ADV. PUBLIC PROSECUTOR SMT. P. MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18-02-
2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 643 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1- A CERTIFIED COPY OF THE FINAL REPORT IN C.C.NO.403/2014 OF CHIEF JUDICIAL MAGISTRATE COURT, KOLLAM.

ANNEXURE A2- A TRUE PHOTOCOPY OF THE AFFIDAVIT SWORN BY THE CW1/2ND RESPONDENT.

ANNEXURE A3- A TRUE PHOTOCOPY OF THE AFFIDAVIT SWORN BY THE CW2/3RD RESPONDENT.

ANNEXURE A4- A TRUE PHOTOCOPY OF THE AFFIDAVIT SWORN BY THE CW3/4TH RESPONDENT.

ANNEXURE A5- A TRUE PHOTOCOPY OF THE AFFIDAVIT SWORN BY THE CW4/5TH RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

CrI. M.C No.643 of 2015

Dated this the 18th day of February, 2015.

O R D E R

The petitioner herein is the accused in C.C No.403 of 2014 of the Chief Judicial Magistrate Court, Kollam. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Sections 13 and 17 of the Kerala Money Lenders Act. The defacto complainant and the other victims of the alleged transaction are the respondents 2 to 5 in this proceeding. They have filed affidavit to the effect that they have settled the whole dispute with the accused, and they have no grievance or complaint now. In so many decisions, the Hon'ble Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash the prosecution in pending proceedings, if the parties have really settled the whole dispute amicably out of court, and continuance of the proceedings will not serve any purpose in such a circumstance of amicable settlement. Here, I find a real and genuine case of settlement between the parties. This is not a case involving

any public interest or public issue. The parties have come to terms amicably on the intervention of persons acceptable to both sides, and I am satisfied that the parties are now on quite cordial terms. In such a situation, continuance of the prosecution will not serve any purpose, other than wasting the precious time of the court. No doubt, nobody will support the prosecution in such a situation, if the case goes to trial.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C No.403 of 2014 of the Chief Judicial Magistrate Court, Kollam, will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

P.UBAID,
JUDGE