

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

Cr1.MC.No. 1266 of 2015

CRIME NO. 23/2015 OF THRISSUR EAST POLICE STATION, THRISSUR

PETITIONER/ACCUSED:

VYSAKH K.RAJ, AGED 28 YEARS,
S/O.RAJAN, KUZHUPPILLI HOUSE, 15TH STREET
HARINAGAR, PUNKUNNAM, THRISSUR-680 002.

BY ADV. SRI.M.R.DHANIL

RESPONDENTS:

1. HINEESH, AGED 34 YEARS,
S/O.LOHITHAKSHAN, KALLADATHIL HOUSE,
THRIKKOOR DESOM,
THRISSUR-680 314.
2. SUB INSPECTOR OF POLICE,
THRISSUR EAST POLICE STATION,
THRISSUR DISTRICT,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
ERNAKULAM-682031.
3. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
ERNAKULAM, COCHIN-682031.

R1 BY ADV. SRI.M.H.HANIL KUMAR
R2 & R3 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 1266 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1 : COPY OF THE FIRST INFORMATION REPORT IN CRIME
NO.23/2015 ON THE FILES OF THE THRISSUR EAST POLICE STATION DATED
01-01-2015

ANNEXURE A2 : THE ORIGINAL AFFIDAVIT SWORN BY THE FIRST
RESPONDENT DATED 25-02-2015.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.1266 of 2015

Dated this the 30th day of March, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.23/2015 of the Thrissur East Police Station, registered under Sections 406 and 420 of the Indian Penal Code, Section 3 r/w 17 of the Kerala Money Lenders Act and Section 3 r/w 9(1)(a) of the Kerala Prevention of Charging Exorbitant Interest Act, 2012 on the complaint of one Hineesh. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. The de facto complainant Hineesh is the 1st respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused and he has no grievance or complaint.

2. On a perusal of the materials I find that the police in this case could not seize any definite material to prove the involvement of the petitioner in unauthorised money lending business. Some individual transaction or borrowal transaction

will not by itself attract a prosecution under the Kerala Money Lenders Act.

3. 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; be it at the crime stage or at the trial stage or even at the appellate or revisional stage; if the parties have really settled the whole dispute, or if continuance of the prosecution will not serve any purpose. Here, I find a real case of settlement between the parties, and I also find that continuance of prosecution in such a situation will not serve any purpose other than wasting the precious time of the court, when the case ultimately comes before the court.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.23/2015 of the Thrissur East Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**

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