

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

CrI.MC.No. 1352 of 2015 ()

AGAINST CC 34/2015 of J.M.F.C.-I, PERINTHALMANNA
CRIME NO. 729/2014 OF PERINTHALMANNA POLICE STATION , MALAPPURAM

PETITIONER/ACCUSED:

SHOWKATHALI AGED 44 YEARS
S/O.MOHAMMED, VARANGODAN HOUSE
NEAR GOVT.HOSPITAL PERINTHALMANNA
MALAPPURAM DISTRICT

BY ADV. SRI.P.SAMSUDIN

RESPONDENTS/STATE AND VICTIM:

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1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM 682 031 (CRIME NO 729/2014 OF PERINTHALMANNA
POLICE STATION IN MALAPPURAM DISTRICT)
 2. MOHAMMEDKUTTY K.C @
KUNJUTTY,S/O.MOHAMMED,KALANCHEKARATH HOUSE,
PATTITHARA 679 543,PATTAMBI,PALAKKAD DISTRICT, AGED 44 YEARS

R2 BY ADV. SRI.JITHIN LUKOSE
R1 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
19-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CrI.MC.No. 1352 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1 TRUE COPY OF THE FIR IN CRIME NO 729/2014 OF
PERINTHALMANNA POLICE STATION

ANNEXURE A2 TRUE COPY OF THE SEARCH LIST IN CRIME NO 729/14 OF
PERINTHALMANNA POLICE STATION

ANNEXURE A3 TRUE COPY OF THE FINAL REPORT AND MEMORANDUM OF
EVIDENCE IN CRIME NO 729/2014 OF PERINTHALMANNA POLICE STATION

ANNEXURE A4 AFFIDAVIT SWORN IN BY THE 2ND RESPONDENT

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.1352 of 2015**  
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Dated this the 19th March, 2015

ORDER

The petitioner herein is the accused in C.C No.34 of 2015 of the Judicial First Class Magistrate Court-I, Perinthalmanna. 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 3 and 7 read with Section 17 of the Kerala Money Lenders Act on the complaint of one Sunilkumar. The victim of offence in the case is the second respondent in this proceeding. He has filed affidavit to the effect that he has settled the whole dispute with the accused, and he has no grievance or complaint now.

2. 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

prosecution 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.34 of 2015 of the Judicial First Class Magistrate's Court-I, Perinthalmanna 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.

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/True copy/

SD/-
P.UBAID
JUDGE

P.S to Judge