

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

Crl.MC.No. 1522 of 2015 ()

**IN CC 1759/2014 of J.M.F.C.-I,KOZHIKODE
CRIME NO. 189/2014 OF CHEMMANGAD POLICE STATION , KOZHIKODE**

PETITIONER(S)/ACCUSED:

**A.V.MAMUKOYA AGED 61 YEARS
S/O.P.M.ABDULLA KOYA, AL-AMEEN HOUSE, P.O.KALLAYI
KOZHIKODE.**

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENT(S)/RESPONDENTS/COMPLAINANT & STATE:

**1. ABDUL SALAM, AGED 37 YEARS
S/O.KUNHAYIN, THEKKEPAYATTU HOUSE, KIZHUKKUM MURI
KAKKODI, KOZHIKODE - 673 611.**

**2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.**

**R1 BY ADV. SRI.P.V.ANOOP
R2 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:**

Crl.MC.No. 1522 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A: TRUE COPY OF THE FINAL REPORT IN CRIME NO. 189/2014 OF CHEMMANGAD POLICE STATION, KOZHIKODE, WHICH IS NOW PENDING AS CC NO. 1759/2014 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KOZHIKODE.

ANNEXURE B: THE AFFIDAVIT FILED BY THE FIRST RESPONDENT DATED 02/03/2015.

ANNEXURE C: TRUE COPY OF THE CERTIFICATE ISSUED BY THE COMPETENT AUTHORITY TO THE PETITIONER DATED 10/04/2003.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PATO JUDGE
sab

P.UBAID, J.

Crl. M.C No.1522 of 2015

Dated this the 19th day of March, 2015.

O R D E R

The petitioner herein is the accused in C.C No.1759 of 2014 of the Judicial First Class Magistrate Court-I, Kozhikode. 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 17, 18 A and 6A of Kerala Money Lenders Act, 1958 and Section 3, 4 of the Kerala Prohibition of Charging Exorbitant Interest Act, on the complaint of one Abdul Salam who is the first 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 now. It is submitted that this case does not involve any other victim than the first respondent herein, and that the police could not seize any document other than the document in the name of

the first respondent herein. Practically, the prosecution does not have any materials to show that the petitioner herein is in fact a money lender as defined under the Kerala Money Lending Act.

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 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.1759 of 2014 of the Judicial First Class Magistrate Court-I, Kozhikode 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

sab