

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

Crl.MC.No. 1700 of 2015

**CC 1188/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, MALAPPURAM
CRIME NO. 763/2014 OF MALAPPURAM POLICE STATION, MALAPPURAM**
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PETITIONER(S)/ACCUSED:

**PRAMOD M.P., AGED 35 YEARS,
S/O.RATNAVALI, PALAKKAPOKKIL HOUSE, PAITHINIPARAMBA,
MEEZHMURI, MALAPPURAM DISTRICT.**

BY ADV. SRI.P.SAMSUDIN

RESPONDENT(S)/VICTIM AND STATE:

**1. SAJID P.T.,
S/O.KUNJIMARAKKAR, POOZHITHARA HOUSE, KLARIMOOCHIKKAL,
KUTTIPPALA P.O. - 676 345, EDARIKKODE (VIA), TIRUR TALUK.
MALAPPURAM DISTRICT.**

**2. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 682 031.
(CRIME NO.763/2014 OF MALAPPURAM POLICE STATION
IN MALAPPURAM DISTRICT)**

**R1 BY ADV. SRI.JITHIN LUKOSE
R2 BY PUBLIC PROSECUTOR SMT.S.HYMA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
04-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 1700 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1:-TRUE COPY OF THE COMPLAINT AND FIR IN CRIME NO 763/2014 OF
MALAPPURAM POLICE STATION.**

**ANNEXURE A 2:-TRUE COPY OF THE SEARCH LIST IN CRIME NO 763/2014 OF
MALAPPURAM POLICE STATION.**

**ANNEXURE A 3:-TRUE COPY OF THE FINAL REPORT AND MEMORANDUM OF
EVIDENCE IN CRIME NO 763/2014 OF MALAPPURAM POLICE STATION.**

ANNEXURE A 4:-AFFIDAVIT SWORN IN BY THE IST RESPONDENT

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ALEXANDER THOMAS, J.

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Crl.M.C.No. 1700 of 2015

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Dated this the 4th day of June, 2015

O R D E R

The petitioner herein is the sole accused in the impugned Anx.A-2 final report/charge sheet filed in Anx.A-1 FIR in Crime No.763/2014 of Malappuram Police Station, registered for offences punishable under Secs.471, 420 of the I.P.C. read with Secs.3 & 17 of the Kerala Money Lenders Act and Sec..3 read with 9(1)(A) of the Kerala (Prohibition of Charging Exorbitant Interest) Act, 2012, at the instance of the 1st respondent, which has led to institution of Calendar Case, C.C.No. 1188/2014 on the file of the Judicial First Class Magistrate's Court, Malappuram. It is stated that now the entire disputes between the petitioner and 1st respondent defacto complainant have been settled amicably and that the 1st respondent has sworn to Anx.A-4 affidavit before this Court, wherein it is stated that he has settled the entire disputes with the petitioner herein and that he has no objection for quashment of the impugned criminal proceedings pending against the petitioner. It is in the light of these

aspects that the petitioner has preferred the instant Cr1.M.C. with the prayer to quash the impugned criminal proceedings against him.

2. In a catena of decisions, the Apex Court has held that, in appropriate cases involving even non-compoundable offences, the High Court can quash prosecution by exercise of the powers under Sec.482 of the Cr.P.C., if the parties have really settled the whole dispute or if the continuance of the prosecution will not serve any purpose. Here, this Court finds a real case of settlement between the parties and it is also found that continuance of the 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. On a perusal of the petition and on a close scrutiny of the investigation materials on record and the affidavit of settlement and taking into account the attendant facts and circumstances of this case, this Court is of the considered opinion that the legal principles laid down by the Apex Court in the cases as in *Gian Singh v. State of Punjab* reported in 2013 (1) SCC (Cri) 160 = (2012) 10 SCC 303 and *Narinder Singh and others v. State of Punjab and anr.* reported in (2014) 6 SCC 466, more particularly paragraph 29 thereof, could be applied in this case to consider the prayer for quashment.

Accordingly, it is ordered in the interest of justice that the impugned Anx.A-2 final report/charge sheet filed in Anx.A-1 FIR in Crime No.763/2014 of Malappuram Police Station, which has led to institution of the Calendar Case, C.C.No.1188/2014 on the file of the Judicial First Class Magistrate's Court, Malappuram, and all further proceedings arising therefrom pending against the petitioner herein stand quashed.

The Crl.M.C. is disposed of as above.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge