

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

Crl.MC.No. 2057 of 2015

AGAINST C.C NO.194/2014 OF THE CHIEF JUDICIAL MAGISTRATE COURT,
PALAKKAD
CRIME NO. 810/2014 OF PALAKKAD TOWN SOUTH POLICE STATION ,
PALAKKAD

PETITIONERS/ACCUSED:

1. JAYESH,
S/O.CHANDRAN, POYILIL HOUSE, NANMANDA P.O,
KOZHIKODE (WORKING AS THE MANAGER
SAKTHI FINANCE LIMITED, N.S.TOWERS
NEAR STADIUM BUS STAND, PALAKKAD).
2. SUNEESH KUMAR,
S/O.MANI, KALLAMPOTTA,
KINASSERI.

BY ADV. SRI.DEVAPRASANTH.P.J.

RESPONDENTS/DEFACTO COMPLAINANT/STATE:

1. AMINA
W/O.ABDUL RAHIMAN, CHUNGATHODI HOUSE,
KONNANCHERI,
AYAKKADU P.O., ALATHUR TALUK,
PALAKKAD DISTRICT-678541.
2. STATE OF KERALA
REPRESENTED BY SI OF POLICE,
PALAKKAD TOWN SOUTH POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.C.JOSEPH JOHNY

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE I: COPY OF THE COMPLAINT IN CRIME NO.810/2014 OF PALAKKAD TOWN SOUTH POLICE STATION.

ANNEXURE II: COPY OF THE FINAL REPORT IN CRIME NO.810/2014 OF THE PALAKKAD TOWN SOUTH POLICE STATION

ANNEXURE III: NOTARIZED AFFIDAVIT OF THE 1ST RESPONDENT DATED 25.3.2015.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.2057 of 2015

Dated this the 7th day of April, 2015

O R D E R

The petitioners herein are the two accused in C.C No. 194/2014 of the Chief Judicial Magistrate Court, Palakkad. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between them and the de facto complainant. Crime in this case was registered under Sections 294(b) and 506(1) of the Indian Penal Code, Sections 3 and 17 of the Kerala Money Lenders Act and Sections 3 and 9 of the Kerala Prohibition of Exorbitant Interest Act on the complaint of one Amina, who is the first respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. She has filed affidavit to the effect that she has settled the whole dispute with the accused, and she 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 petitioners herein in C.C No. 194/2014 of the Chief Judicial Magistrate Court, Palakkad will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

**P.UBAID
JUDGE**

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