

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

Crl.MC.No. 2109 of 2015 ()

**IN CC 1449/2014 of J.M.F.C.,MALAPPURAM
CRIME NO. 782/2014 OF MALAPPURAM POLICE STATION , MALAPPURAM**

PETITIONER(S)/ACCUSED :

**JAYESH K.P. AGED 35 YEARS
S/O. VELAYUDHAN, KARATTUPARAMBIL HOUSE, ALATHOORPADI
MELMURI, ADHIKARATHODI, MALAPPURAM.**

**BY ADVS.SRI.PHILIP J.VETTICKATTU
SRI.B.PREMNATH (E)**

RESPONDENT(S)/COMPLAINANT & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
 - 2. STATION HOUSE OFFICER
MALAPPURAM, MALAPPURAM-676 505.**
 - 3. USMAN
S/O. ABDUL RAHMAN HAJI, NANATHU KURUVAYIL
ADHIKARATHODI, MELMURY, MALAPPURAM-676 517.**
 - 4. MUHAMMED SHAFI
S/O. KUNJI MUHAMMED, VARIKODAN HOUSE, ADHIKARATHODI
MELMURY, MALAPPURAM-676 517.**
- R3,R 4 BY ADV. SRI.LAL K.JOSEPH
R3,R 4 BY ADV. SRI.A.A.ZIYAD RAHMAN
R2-3 BY PUBLIC PROSECUTOR SMT. P. MAYA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 09-04-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1 : COPY OF THE FIR NO.782/14 DTD.4.6.2014 REGISTERED BY THE 2ND RESPONDENT.

ANNEXURE A2 : COPY OF THE FINAL REPORT/CHARGE SHEET NO.932/14 DTD.31.7.14 NUMBERED AS CC NO.1449/2014 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT, MALAPPURAM.

ANNEXURE A3 : COPY OF THE SEARCH LIST PREPARED BY THE 2ND RESPONDENT ON 4.6.2014.

ANNEXURE A4 : COPY OF THE LICENSE ISSUED BY THE MALAPPURAM MUNICIPALITY TO CONDUCT THE SHOP IN THE NAME AND STYLE BY NIKHILA BANGLES AT MALAPPURAM.

ANNEXURE A5 : COPY OF THE AFFIDAVIT SWORN BY THE 3RD RESPONDENT ATTESTED BEFORE THE NOTARY PUBLIC NAMED FASULU RAHMAN CHEKIDAPPURATH ON 28.2.2015.

ANNEXURE A6 : COPY OF THE AFFIDAVIT SWORN BY THE 4TH RESPONDENT ATTESTED BEFORE THE NOTARY PUBLIC NAMED FASULU RAHMAN CHEKIDAPPURATH ON 28.2.2015.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PATO JUDGE
sab

P.UBAID, J.

Crl. M.C No.2109 of 2015

Dated this the 9th day of April, 2015.

O R D E R

The petitioner herein is the accused in C.C No.1449 of 2014 of the Judicial First Class Magistrate Court, Malappuram. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the victims of offence. Crime in this case was registered under Sections 3 r/w Section 9(1)(A) of the Kerala Prohibition of Charging Exorbitant Interest Act, 2012 and under Sections 3 and 17 of the Kerala Money Lenders Act. The victims of offence are the respondent Nos. 3 and 4 in this proceeding. They have filed affidavit to the effect that they have settled the whole dispute with the accused, and they have no grievance or complaint now.

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. 1449 of 2014 of the Judicial First Class Magistrate's Court, Malappuram 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.

Sd/-
P.UBAID,
JUDGE