

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

Cr1.MC.No. 2164 of 2015

CRIME NO. 295/2015 OF MARADU POLICE STATION, ERNAKULAM

PETITIONERS/ACCUSED NOS. 1 & 2:

1. MARTIN V.X, AGED 45 YEARS,
S/O.XAVIOUR, VETTACKAL HOUSE, AKG ROAD,
THYKKOODAM,
VYTTILA, PIN - 682 019.
2. P.V.PAPPACHAN, AGED 56 YEARS,
S/O.VARGHESE, PUTHENPURACKAL (H) ,
EROOR WEST P.O,
PIN - 682 306.

BY ADV. SRI.C.P.UDAYABHANU

RESPONDENTS/COMPLAINANT:

1. P.M. SAJEEVAN, AGED 49 YEARS,
S/O.MADHAVAN, PADATHARA HOUSE, KADAVIL ROAD,
THYKKOODAM, VYTTILA, ERNAKULAM DT. NOW RESIDING AT 203
IYSWARYA FLAT, NEAR PYARI SOAP COMPANY, CHAMBAKKARA
POONITHURA P.O., ERNAKULAM DT.
2. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
MARADU POLICE STATION
(CRIME 295/2015) REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SMT.T.V.ASWATHY1

R2 BY SR. PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

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

Cr1.MC.No. 2164 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE-I: A COPY OF THE FIR IN CRIME NO.295/15 OF MARADU
POLICE STATION NOW PENDING ON THE FILE OF JFCM COURT-I, KOCHI.

ANNEXURE-II: STATEMENT OF THE DE FACTO COMPLAINANT

ANNEXURE-III: AFFIDAVIT SWORN BY R1 THE DE FACTO COMPLAINANT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.2164 of 2015

Dated this the 9th day of April, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.295/2015 of the Maradu Police Station, registered under Sections 406, 420, 506(10 r/w 34 of the Indian Penal Code, Sections 3 and 17 of the Kerala Money Lenders Act 1958 and under Section 3 of the Kerala Prohibition of Charging Exorbitant Interest Act 2012 on the complaint of one Sajeevan. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. The de facto complainant Sajeevan is the 1st 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.

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; be it at the crime stage or at the trial stage or even at the appellate or

revisional stage; if the parties have really settled the whole dispute, or if continuance of the prosecution will not serve any purpose. Here, I find a real case of settlement between the parties, and I also find that continuance of 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.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.295/2015 of the Maradu Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**Sd/-
P.UBAID
JUDGE**

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