

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

Crl.MC.No. 2317 of 2015 ()

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CC 746/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT I MUVATUPUZHA
CRIME NO. 295/2014 OF KALLOORKADU POLICE STATION, ERNAKULAM
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PETITIONER/ACCUSED :

**ELSY GEORGE, AGED 72 YEARS,
W/O.GEORGE, RATHAPILLIYIL HOUSE,
TAZHAVAMKUNNU KARA, KALLORKADU VILLAGE**

BY ADV. SRI.PAUL K.VARGHESE

RESPONDENTS/COMPLAINANT/STATE :

- 1. STATE OF KERALA
REPRESENTED BY SUB INSPECTOR OF POLICE,
KALOORKADU POLICE STATION, MUVATTUPUZHA
REPRESENTED THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682 031**
- 2. ANOOP CHACKO
S/O.CHACKO, THEKKEKARAYIL VEETIL,
NEERAMPUZHA BHAGHATHU, KALLOORKADU 686 668**
- 3. BOSE JOHN, S/O. JOHN,
MUZHIKKACHALIL VEETIL, VAZHAKULAM KARAYIL
MANCHALLOOR VILLAGE 689 695**
- 4. DONY JOSEPH, AGED 66 YEARS, S/O.JOSEPH,
PLATHOTTAM HOUSE, KIZHUMADU KARAYIL
ARAKUZHA VILLAGE, MEMADANGU-686 672**
- 5. SOJAN, AGED 45 YEARS,
S/O.NARAYANAN, KAVUMPARAMBIL VEETIL,
KALLOOR KADU VILLAGE, KALLOOR KADU KARA, 686 668**
- 6. FRANCIS GEORGE, AGED 58 YEARS,
S/O.GEORGE, VATTAKUZHIYIL VEETIL, VAZHIYAMCHIRA,
KALLOORKADU VILLAGE, KALLOOR KADU KARA 686 668**
- 7. MANOJ, AGED 40 YEARS,
S/O.MATHAI, PUNNAKOTTIL VEETIL, L. D. SCHOOL PADY,
THAZHUVAMKUNNU KARA, KALLOORKADU VILLAGE 686 668**

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- 8. DEEPURAJ, AGED 30 YEARS,
S/O.GOPALAKRISHNAN, PIDIVETTICAL VEETIL,
KKALLORKADU VILLAGE, KALLOR KADU KARA 686 668**
- 9. JOSE SEBASTIAN, AGED 50 YEARS,
S/O.ULAHANNAN, MEENPHOOR VEETIL, KOCHUKUDITHAZAM,
KALLOORKADU KARA, KALLOOR KADU VILLAGE 686 668.**

**R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE
R2 TO R9 BY ADV. SMT.A.A.GEETHA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 22-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE 1: A TRUE COPY OF THE CHARGE SHEET IN CRIME NO 295/2014 DATED
19-06-2014 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT
MUVATTUPUZHJA.**

ANNEXURE 2: A COPY OF THE AFFIDAVIT OF 2ND RESPONDENT.

ANNEXURE 2(A): A COPY OF THE AFFIDAVIT OF 3RD RESPONDENT.

ANNEXURE 2(B): A COPY OF THE AFFIDAVIT OF 4TH RESPONDENT.

ANNEXURE 2(C): A COPY OF THE AFFIDAVIT OF 5TH RESPONDENT

ANNEXURE 2(D): A COPY OF THE AFFIDAVIT OF 6TH RESPONDENT

ANNEXURE 2(E): A COPY OF THE AFFIDAVIT OF 7TH RESPONDENT.

ANNEXURE 2(F): A COPY OF THE AFFIDAVIT OF 8TH RESPONDENT.

ANNEXURE 2(G): A COPY OF THE AFFIDAVIT OF 9TH RESPONDENT

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

ALEXANDER THOMAS, J.

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Crl.M.C No.2317 of 2015

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Dated this the 22nd day of June, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No. 295 of 2014 of the Kallurkadu Police Station, registered under Section 3 r/w 17 of Kerala Money Lenders Act. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the witnesses out of court. It is stated that now the entire disputes between the petitioner and the respondents have been settled amicably and that the Respondent No.s 2 to 9 have sworn to affidavits before this Court, wherein it is stated that they have no objection in the quashment of the impugned criminal proceedings pending against the petitioner.

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 continuance of 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 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, the impugned F.I.R and further proceedings arising out of Crime No. 295 of 2014 of the Kallurkadu Police Station, including all further proceedings arising out of C.C.No. 746 of 2014 on the file of Judicial First Class Magistrate Court,

Muvattupuzha pending against the petitioner herein will stand quashed under Section 482 of the Code of Criminal Procedure.

With these observations and directions this Crl.M.C. stands finally disposed of.

sd/-

sab

ALEXANDER THOMAS, JUDGE