

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

Crl.MC.No. 2343 of 2015

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CC 1231/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, TRIPUNITHURA.
CRIME NO. 645/2014 OF UDAYAMPEROOR POLICE STATION.
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PETITIONER/ACCUSED:

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BHUVANENDRA DAS, AGED 75,
S/O.ACHUTHAN, THOPPIL (H), CHAKKUKULAM,
SOUTH PARAVOOR, MANAKUNNAM VILLAGE.**

BY ADV. SRI.C.P.UDAYABHANU

RESPONDENT(S)/COMPLAINANT:

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- 1. GAGANAN, AGED 55, S/O.RAGHAVAN,
PONNATTIL VEEDU, UDAYAMPEROOR,
MANAKUNNAM VILLAGE.**
 - 2. MURALEEDHARAN, AGED 55,
S/O.KRISHNANKUTTY, NADUVANTHOZHATHU VEEDU,
POOTHOTTA, MANAKUNNAM VILLAGE.**
 - 3. M.S.VINU, AGED 38, S/O.SUBRAMANYAN,
MADATHIPPARAMBIL VEEDU, POOTHOTTA,
MANAKUNNAM VILLAGE.**
 - 4. BHAIMY, AGED 66, W/O.GOPALAN,
THANNIKKATTU VEEDU, CHAKKUKULAM,
SOUTH PARAVOOR, MANAKUNNAM VILLAGE.**
 - 5. SATHYAVRATHAN, , AGED 71 YEARS
S/O.ACHUTHAN, THOPPIL VEEDU, CHAKKUKULAM
SOUTH PARAVOOR, MANAKUNNAM VILLAGE.**
 - 6. STATE OF KERALA,
REPRESENTED BY THE S.I. POLICE,
(CRIME 940/2014 OF HILL PALACE POLICE STATION)
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

**R1 TO R5 BY ADV. SMT.T.V.ASWATHY
R6 BY PUBLIC PROSECUTOR SMT.T.V.ASWATHY**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 08-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE I:** A CERTIFIED COPY OF THE FINAL REPORT IN CRIME 645/14 OF UDAYAMPEROOR POLICE STATION.
- ANNEXURE II:** A COPY OF FIR IN CRIME NO.645/2014 OF UDAYAMPEROOR POLICE STATION INITIALLY SUBMITTED BEFORE THE ACJM COURT, ERNAKULAM.
- ANNEXURE III:** AFFIDAVIT SWORN BY R1/CW1 IN ANNEXURE -1.
- ANNEXURE IV:** AFFIDAVIT SWORN BY R2/CW2 IN ANNEXURE-1.
- ANNEXURE V:** AFFIDAVIT SWORN BY R3/CW3 IN ANNEXURE -1.
- ANNEXURE VI:** AFFIDAVIT SWORN BY R3/CW4 IN ANNEXURE -1.
- ANNEXURE VII:** AFFIDAVIT SWORN BY R3/CW5 IN ANNEXURE -1.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Crl.M.C No.2343 of 2015

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Dated this the 8th day of June, 2015

O R D E R

The petitioner is the sole accused in the impugned Annexure II Crime No.645 of 2014 of the Udayamperoor Police Station, Ernakulam District for offences registered under Section 511 of 465 of the I.P.C., 3 r/w 17 of Kerala Money Lending Act, 4 & 5 of Kerala Prohibition of Charging Exorbitant Interest Act and Section 3 r/w 4 of Price Chit Money Circulations Scheme Banning Act. The police after investigation submitted the impugned Annexure 1 final report/charge sheet in the above said crime which has led to the pendency of C.C No. 1231 of 2015 on the file of the Judicial First Class Magistrate Court (JFCM), Tripunithura. The complaint essentially was that of CWs1 to 5 (contesting respondents 1 to 5) were now settled the disputes with the petitioner and have sworn to Annexures III to VII before this Court, wherein it is stated that they have no objection for quashment of the impugned criminal proceedings pending against the petitioner. It is in the light of

these aspects that the petitioners have preferred the instant Crl.M.C with the prayer to quash the impugned criminal proceedings against them.

2. Heard Sri.C.P Udayabhanu, learned counsel for the petitioner and Smt. Aswathy, learned counsel appearing for the contesting respondents 1 to 5 and the learned Public Prosecutor appearing for the sixth respondent, State of Kerala. The Apex Court in cases as in Gian Singh v. State of Punjab reported in 2012 (10) SCC 603 has held that the offences that arise out of disputes emanating from monetary transactions and commercial transactions between the parties, could be considered for quashment on the basis of settlement between the accused persons and the de facto complainants. The Supreme Court in the case Gold Quest International Pvt. Ltd. V State of Tamil Nadu and Others [2014(2) KLD 738 (SC)], held in a case related to an offences Sec. 420 of the Indian Penal Code r/w Secs. 4, 5 and 6 of the Prize Chits and Money Circulation (Banning) Act, 1978 that in such cases the court would consider the prayer for quashment in the light of settlement between the accused and the de facto complainant.

3. Accordingly, it is ordered that the impugned Annexure I

final report/charge sheet in the impugned Annexure II crime No. 645 of 2014 of the Udayamperoor Police Station which has led to the pendency of Calendar case, C.C No. 1231 of 15 on the file of the Judicial First Class Magistrate Court, Tripunithura and further proceedings arising therefrom pending against the petitioner are quashed.

Accordingly, the Crl.M.C stands finally disposed of.

sd/-

sab

ALEXANDER THOMAS, JUDGE

