

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 1ST DAY OF JUNE 2015/11TH JYAISHTA, 1937

Crl.MC.No. 2656 of 2015 ()

**CC 1177/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KURUPPUMPADY
CRIME NO. 650/2014 OF KODANAD POLICE STATION , ERNAKULAM**

PETITIONER/ACCUSED :

**DEVASSY, AGED 57 YEARS
S/O.RAPHEL, THELAKKATTU HOUSE, PADINJARE ANGADY BHAGAM
CHERANALLOOR KARA, KOOVAPADY VILLAGE
ERNAKULAM DISTRICT.**

BY ADV. SRI.K.SUNIL KUMAR

RESPONDENTS/CWS-2-5 & STATE :

- 1. JAYARAM SUBRAMANI, AGED 44 YEARS
S/O.VASUDEVAN, PANCHAKKATTU MADOM, THOTTUVA KARA
KODANADU VILLAGE, KUNNATHUNADU TALUK
ERNAKULAM DISTRICT-683544.**
- 2. XAVI, AGED 42 YEARS
S/O.OUSEPH, MATTEKKADAN HOUSE, CHERANALLOOR KARA
KOOVAPPADY VILLAGE, KUNNATHUNADU TALUK
ERNAKULAM DISTRICT-683544.**
- 3. SUDHAN, AGED 42 YEARS
S/O.PARAMESWARAN, BLAYI HOUSE, THOTTUVA KARA
KODANADU VILLAGE, KUNNATHUNADU TALUK
ERNAKULAM DISTRICT-683544.**
- 4. JIJIMON JOSEPH, AGED 41 YEARS
S/O.JOSEPH, KOLLAMKUDY HOUSE, CHERANALLOOR KARA
KOOVAPPADY VILLAGE, KUNNATHUNADU TALUK
ERNAKULAM DISTRICT-683544**
- 5. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-31.**

**R1 TO R4 BY ADV. SRI. K.V. GOPAKUMAR
R5 BY PUBLIC PROSECUTOR SMT. S. HYMA**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 01-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 2656 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

ANNEXURE-A1	CERTIFIED COPY OF THE CHARGE SHEET DATED 17/06/2014 IN C.C.1177/2014 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KURUPPAMPADY.
ANNEXURE-A2	AFFIDAVIT DATED 18/04/2015 SWORN BY THE 1ST RESPONDENT (CW 2).
ANNEXURE-A3	AFFIDAVIT DATED 18/04/2015 SWORN BY THE 2ND RESPONDENT (CW 3).
ANNEXURE-A4	AFFIDAVIT DATED 18/04/2015 SWORN BY THE 3RD RESPONDENT (CW 4).
ANNEXURE-A5	AFFIDAVIT DATAED 18/04/2015 SWORN BY THE 4TH RESPONDENT(CW 5).

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No. 2656 of 2015

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Dated this the 1st day of June, 2015

O R D E R

The petitioner is the sole accused in Crime No. 650/2014 on the file of the Kodanadu Police Station, registered for offences under Sec.420 of the IPC and Secs.17, 6(A) of 18(A) of the Kerala Money-Lenders Act, 1958. The gist of the prosecution case is that on 15.5.2014, the Sub Inspector of Police, Kodanadu Police Station, had got information that the petitioner has been conducting money lending business without any valid licence. The police searched the house of the petitioner and seized 5 blank cheques and 7 stamp papers worth Rs.1,02,900/- from his house. The Police, after investigation filed the impugned Anx.A1 final report/charge sheet in the above said crime, which has led to the pendency of Calendar Case, C.C.No. 1177/2014 on the file of the Judicial First Class Magistrate's Court, Kuruppampady. From the version projected in this case it is understood that the grievances arose on account of the transaction between the petitioner and CWs 2 to 5, who are

contesting respondents 1 to 4 in this case. It is stated that now the entire disputes between the petitioner and the contesting respondents 1 to 4 have been settled as borne out from Anx. A2 to A-5 affidavits sworn to by contesting respondents 1 to 4 stating that the entire disputes between the petitioner and respondents 1 to 4 have been settled amicably and that they have no objection in the quashment of the impugned criminal proceedings against the petitioner. It is in the light of the above facts and circumstances that the petitioner has preferred the instant Criminal Miscellaneous Case with the prayer to quash the impugned criminal proceedings against the petitioner.

2. Heard Sri.K.Sunil Kumar, learned counsel for the petitioner, Sri.K.V.Gopakumar, learned counsel appearing for contesting respondents 1 to 4 and the learned Public Prosecutor appearing for the respondent State.

3. The learned counsel for the petitioner reiterated the submissions and contentions in the Crl.M.C. The learned counsel for respondents 1 to 4 submitted that the entire disputes between the petitioner and respondents 1 to 4 have been settled amicably and that they have no objection in the quashment of the impugned

criminal proceedings against the petitioner. The learned Public Prosecutor submitted that the prayer for quashment of the impugned criminal proceedings may be considered in the light of the legal principles laid down by the Apex Court and this Court on the subject. The learned Public Prosecutor further submitted that the petitioner is not involved in any other criminal case.

4. On a consideration of the facts and circumstances of this case, this Court is of the considered opinion that the prayer for quashment of the impugned criminal proceedings could be considered in the light of the legal principles laid down by the Apex Court and this Court on the subject. Accordingly, it is ordered in the interest of justice that the impugned Anx.A1 final report/charge sheet in Crime No. 650/2014 of Kodanadu Police Station, which has led to the pendency of C.C.No.1177/2014 on the file of the Judicial First Class Magistrate's Court, Kuruppampady, and all further proceedings pending against the petitioner stand quashed.

The Crl.M.C. is disposed of as above.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge

Cr1.M.C.2656/15

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