

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. 3079 of 2015 ()

CRIME NO. 749/2014 OF NALLALAM POLICE STATION, KOZHIKODE.

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PETITIONER/ACCUSED:

**SAMUEL ABRAHAM, AGED 70 YEARS,
S/O. GEEVARGHESE, PALOT HOUSE,
CHERUVANNUR JUNCTION, FEROKE P.O.,
KOZHIKODE DISTRICT.**

**BY ADVS.SRI.SANTHARAM.P.,
SMT.REKHA ARAVIND,
SMT.T.S.REMYA.**

RESPONDENTS/DEFACTO COMPLAINANT, INJURED AND STATE:

**1. P. RAJEEV, S/O. PEECHANARI RAJENDRAN,
AGED 41 YEARS, PEECHANARI HOUSE,
CHERUVANNUR P.O., CHERUVANNUR AMSOM DESOM,
KOZHIKODE DISTRICT - 673 655.**

**2. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31.**

**R1 BY ADV. SRI.ANOOP JOSEPH.
R2 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 08-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE I** COPY OF THE PETITION DATED 15/09/2014 FILED BEFORE THE SUB INSPECTOR OF POLICE, NALLALAM.
- ANNEXURE II** COPY OF THE FIR DATED 16/09/2014 IN CRIME NO.749/2014 OF NALLALAM POLICE, KOZHIKODE.
- ANNEXURE III** COPY OF THE ORDER IN CRL.MC. NO.6362/2014 BY THIS HONOURABLE COURT.
- ANNEXURE IV** CERTIFIED COPY OF THE FINAL REPORT AND CHARGE IN CRIME NO.749/2014 DATED 01/12/2014 BY THE SUB INSPECTOR OF POLICE, NALLALAM.
- ANNEXURE V** A NOTARISED AFFIDAVIT SWORN TO BY THE DE-FACTO COMPLAINANT.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3079 of 2015

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Dated this the 8th day of June, 2015

ORDER

The petitioner herein is the accused in the impugned Anx.IV final report/charge sheet filed in Anx. II FIR in Crime No.749/2014 of Nallalam Police Station, registered for offences punishable under Sec.420 of the I.P.C., Secs.17 and 18 of the Kerala Money Lenders Act and Sec.3 read with 9 of the Prohibition of Charging Exorbitant Interest Act, 2012. It is stated that now the entire disputes between the petitioner and 1st respondent defacto complainant have been settled amicably and that the 1st respondent has sworn to Anx.V affidavit before this Court, wherein it is stated that he has settled the entire disputes with the petitioner and that he has no objection for quashment of the impugned criminal proceedings pending against the petitioner. It is in the light of these aspects that the petitioner has preferred the instant Crl.M.C. with the prayer to quash the impugned criminal proceedings against him.

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 the continuance of the 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 the 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, it is ordered in the interest of justice that the impugned Anx. IV final report/charge sheet filed in Anx. II FIR in Crime No.749/2014 of Nallalam Police Station and all further

proceedings arising therefrom pending against the petitioner stand quashed.

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

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge