

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

Crl.MC.No. 3348 of 2015

CRIME NO. 1112/2014 OF PAYYANNUR POLICE STATION, KANNUR DISTRICT

PETITIONER(S)/ACCUSED NO.1:

**NARAYANAN P.V., AGED 52 YEARS,
S/O.KUNHAMBU KARANAVAR, PADINHAREVEETIL,
KARIVELLUR AMSOM DESOM, ONAKKUNNU, P.O.KARIVELLUR,
TALIPARAMBA TALUK, KANNUR DISTRICT.**

BY ADV. SRI.M.V.AMARESAN

RESPONDENT(S)/COMPLAINANTS :

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN: 682 031.**
- 2. SURENDRAN P.V., AGED 43 YEARS,
S/O.KRISHNAN, KARIVELLUR AMSOM DESOM, ONAKKUNNU P.O.,
KARIVELLUR, TALIPARAMBA TALUK, KANNUR DISTRICT, PIN: 670 141.**

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE
R2 BY ADV. KUM.D.MINI RAJAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE 1: TRUE COPY OF F.I.R IN CRIME NO.1112/2014 REGISTERED BY PAYYANNUR POLICE.**
- ANNEXURE 1(A): TRUE COPY OF FIS OF THE 2ND RESPONDENT IN CRIME NO.1112/2015 REGISTERED BY PAYYANNUR POLICE DATED 30/08/2014.**
- ANNEXURE 2: TRUE COPY OF AGREEMENT BETWEEN THE PETITIONER AND 2ND RESPONDENT DATED 22/04/2015.**
- ANNEXURE 3: TRUE COPY OF AFFIDAVIT SWORN BY THE 2ND RESPONDENT DATED 01/06/2015.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Dated this the 17th day of June, 2015.

ORDER

Petitioner is the accused in impugned Anx-1 FIR in Crime No.1112/2014 of Payyannur Police Station, registered for offences alleged under Sec.3 r/w Secs.17, 13 & 7 r/w Sec.18(D) of the Kerala Money Lenders Act and Sec.420 of the IPC. The case was registered on the basis of a private complaint lodged by the 2nd respondent herein. Now, it is submitted that the matter has been settled between the petitioner and the 2nd respondent and all the disputes among them stand dissolved. The petitioner has also produced Anx-2 agreement entered into between the petitioner and the 2nd respondent evidencing the settlement entered into between the parties. Moreover, the 2nd respondent (complainant) has sworn to Anx-3 affidavit stating that the matter has been settled with the petitioner and that he has no objection in quashing the impugned criminal proceedings pending against the petitioner. It is in the light of these aspects that the petitioner has filed this Crl.M.C seeking the prayer for quashment of the impugned criminal proceedings.

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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.

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3. Accordingly, it is ordered in the interest of justice that the impugned Anx-1 FIR in Crime No.1112/2014 of Payyannur Police Station and all further proceedings arising therefrom pending against the petitioner herein stand quashed under Sec.482 of the Code of Criminal Procedure.

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

ALEXANDER THOMAS,
Judge.

bkn/-