

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

Crl.MC.No. 3512 of 2015

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CC 638/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KALADY.
CRIME NO. 929/2014 OF KALADY POLICE STATION, ERNAKULAM.**

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PETITIONER/ACCUSED:

**VARGHESE,
AGED 52, S/O.LATE DEVASSY,
MAROTTIKKUDI VEEDU,
VELLARAPPILLY KARA.P.O,
CHOWWARA VILLAGE, ERNAKULAM.**

BY ADV. SRI.D.AJITHKUMAR

RESPONDENTS/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. SUB INSPECTOR OF POLICE,
KALADY, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.S.HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE-A :** TRUE COPY OF THE F.I.R.IN CRIME NO.929 OF 2014 OF KALADY POLICE STATION.
- ANNEXURE-B :** CERTIFIED COPY OF THE FINAL REPORT IN C.C.638 OF 2014 PENDING IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KALADY.
- ANNEXURE-C :** TRUE COPY OF THE PAPER REPORT APPEARED IN MALAYALA MANORAMA DATED 8.6.2014.
- ANNEXURE-D :** NOTARIZED AFFIDAVIT OF ABDUL RAHMAN DATED 3.6.2015.
- ANNEXURE-E :** NOTARIZED AFFIDAVIT OF THOMAS VARGHESE DATED 3.6.2015.

RESPONDENT(S)' ANNEXURES: NIL

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.
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Crl.M.C.No.3512 of 2015
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Dated this the 23rd day of June, 2015

O R D E R

The petitioner herein is arrayed as the accused in the impugned Anx.B final report/charge sheet filed in Crime No.929/2014 of Kalady Police Station, registered for offences punishable under Secs.17 of Kerala Money Lenders Act, Sec.3 of Kerala Prohibition of Charging Exorbitant Interest Act and Secs.406, 420, 467 & 468 of Indian Penal Code, which has led to the institution of Calendar Case, C.C.No.638/2014 on the file of the Judicial First Class Magistrate Court, Kalady. It is stated that the alleged victims of the money transaction of the petitioner, in respect of which the impugned crime has arisen, have sworn to affidavits before this Court stating that they have no grievances against the petitioner and have no objection for quashment of the impugned criminal proceedings against the petitioner. They have filed affidavits to this effect also. 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.B final report/charge sheet filed in Crime No.929/2014 of Kalady Police Station, which has led to the institution of

C.C.No. 638/2014 on the file of the Judicial First Class Magistrate Court, Kalady and all further proceedings arising therefrom pending against the petitioner herein stands quashed.

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

Sd/-
ALEXANDER THOMAS, JUDGE

AVS