

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

Crl.MC.No. 3740 of 2015

**C.C.NO.2054/2014 OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT,
THIRUVANANTHAPURAM**

PETITIONER(S)/1ST ACCUSED :

**MAHESWARY, AGED 41 YEARS,
W/O. ANAND, T.C. 25/218, GNRA-148,
GANDHARI AMMAN KOIL ROAD, THAMPANOR,
THIRUVANANTHAPURAM.**

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENT(S)/STATE & COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. SUB INSPECTOR OF POLICE,
VANCHIYOOR POLICE STATION,
THIRUVANANTHAPURAM DISTRICT-695 035.**

*** ADDITIONAL R3 IMPEADED**

- 3. SREEKALA RAJAN, AGED 46 YEARS,
D/O.PADMAVATHI AMMA, NANDANAM HOUSE,
KP 4/100(C), ENIKKARA NEDUMPARA ROAD,
NEDUMPARA WARD, KARAKULAM VILLAGE,
THIRUVANANTHAPURAM- 695 564.**

*** ADDITIONAL R3 IS IMPEADED AS PER ORDER DATED 01.07.2015 IN
CRL.M.A.NO.6168 OF 2015.**

BY PUBLIC PROSECUTOR SRI.R.GITHESH

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 10-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A1 :** TRUE COPY OF THE FIR IN CRIME NO.1576/2013 OF VANCHIYOOR POLICE STATION.
- ANNEXURE A2 :** TRUE COPY OF THE FINAL REPORT IN ANNEXURE A1 CRIME.
- ANNEXURE A3 :** TRUE COPY OF THE COMPROMISE PETITION FILED IN O.S NO.467/2012 OF SUB COURT, THIRUVANANTHAPURAM.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

=====

Crl.M.C.No. 3740 of 2015

=====

Dated this the 10th day of August, 2015

O R D E R

The petitioner herein is the 1st accused in the impugned Anx.2 final report/charge sheet filed in Anx.1 FIR in Crime No. 1576/2013 of Vanchiyoor Police Station, registered for offences punishable under Secs.420 and 506 of the I.P.C. and Sec.3 read with Sec.17 of the Kerala Money Lenders Act, at the instance of the additional 3rd respondent, which has led to the institution of Calendar Case, C.C.No.2054/2014 on the file of the Addl. Chief Judicial Magistrate's Court, Thiruvananthapuram. It is stated that now the entire disputes between the petitioner and additional 3rd respondent defacto complainant have been settled amicably, as evident from Anx.A-3 compromise petition filed in O.S.No.467/2012 on the file of the Sub Court, Thiruvananthapuram. This compromise petition was filed by the petitioner herein and the additional 3rd respondent along with her husband, wherein it is stated by both parties that they have settled the disputes amicably. It is averred that the said Original

Suit, O.S.No.467/2012 was filed by the petitioner herein for realisation of Rs.9 lakhs from the 3rd respondent and her husband. The present allegation against the petitioner herein is misuse of those cheques given by the 3rd respondent, after settling the civil case. 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 her.

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.2 final report/charge sheet filed in Anx.1 FIR in Crime No.1576/2013 of Vanchiyoor Police Station against the petitioner, which has led to the institution of C.C.No. 2054/2014 on the file of the Addl. Chief Judicial Magistrate's Court, Thiruvananthapuram and all further proceedings arising therefrom pending against the petitioner herein stand quashed.

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

sdk+

///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge