

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

Crl.MC.No. 4054 of 2015

**CC 46/2013 OF CHIEF JUDICIAL MAGISTRATE COURT, PALAKKAD
CRIME NO. 2432/2012 OF PALAKKAD TOWN SOUTH POLICE STATION, PALAKKAD**
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PETITIONER(S)/ACCUSED:

**SURESH, AGED 34 YEARS,
S/O.RAJAN, SANGEETHA NIVAS, PIRAYIRI,
P.O.KODUMTHARAPULLY, PALAKKAD DISTRICT.**

**BY ADVS.SRI.KRISHNA PRASAD. S
SRI.B.SIBI
SRI.NOBEL RAJU**

RESPONDENT(S)/DEFACTO COMPLAINANTS & STATE:

- 1. SAMEER, AGED 33 YEARS,
S/O.SHAHUL HAMEED, ALAYARIL SHAMEER HOUSE,
VANDITHAVALAM, CHITTOOR TALUK,
PALAKKAD DISTRICT - 678 101.**
- 2. LEELAVATHY, AGED 47 YEARS,
D/O.ARUMUGHAN, KAVALAMBARAYIL HOUSE, PUTHUPPARIYARAM
KALLEKULANGARA-678733.**
- 3. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING S.I. OF POLICE,
PALAKKAD TOWN SOUTH POLICE STATION,
PALAKKAD DISTRICT - 682 031.**

**R1-R2 BY ADV. SRI.BINU GEORGE
R3 BY PUBLIC PROSECUTOR SRI.N.SURESH**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
02-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE-A1 A CERTIFIED COPY OF THE F.I.R.NO.2432 OF 2012 OF PALAKKAD
SOUTH POLICE STATION DATED 1-11-2012.**

ANNEXURE-A2 A CERTIFIED COPY OF THE FINAL REPORT DATED 23/1/2013.

ANNEXURE-A3 AFFIDAVIT EXECUTED BY 1ST RESPONDENT DATED 26-6-2015.

ANNEXURE-A4 AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT DATED 26-6-2015.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ALEXANDER THOMAS, J.

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Crl.M.C.No. 4054 of 2015

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Dated this the 2nd day of July, 2015

O R D E R

The petitioner herein is the sole accused in the impugned Anx.A-2 final report/charge sheet filed in Anx.A-1 FIR in Crime No.2432/2012 of Palakkad Police Station, registered for offences punishable under Secs.3 and 17 of the Money Lenders Act, which has led to the institution of Calendar Case, C.C.No.46/2013 on the file of the Chief Judicial Magistrate's Court, Palakkad. It is stated that now the entire disputes between the petitioner and respondents 1 and 2 have been settled amicably and that respondents 1 and 2 have sworn to Anxs.A-3 and A-4 affidavits respectively, before this Court, wherein it is stated that they have settled the entire disputes with the petitioner and that they have 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.A-2 final report/charge sheet filed in Anx.A-1 FIR in

Crime No.2432/2012 of Palakkad Police Station, which has led to the institution of Calendar Case, C.C.No.46/2013 on the file of the Chief Judicial Magistrate's Court, Palakkad, and all further proceedings arising therefrom pending against the petitioner herein 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