

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.4056 of 2015

CRIME NO.191/2014 OF VELLAMUNDA POLICE STATION,WAYANAD.

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PETITIONER/ACCUSED:

**ABDUL NAZAR,AGED 46 YEARS,S/O.ALI,
PANNIYODAM CHERIYA HOUSE,KUNHOME P.O.
THONDERNADU VILLAGE,MANNATHAVADY TALUK,
WAYANAD DISTRICT.**

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

RESPONDENT'S/DEFACTO COMPLAINANT:

- 1. VASU,AGED 76 YEARS,S/O.LATE KOCHUKOCHU,
KUNNUMPURATH HOUSE,THONDARNADU,
MANANTHAVADY,WAYANAD-670 645.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM,
REPRESENTING S.I. OF POLICE,
VALLAMUNDA POLICE STATION,
WAYANAD DISTRICT-682 031.**

**R1 BY ADV.SRI.BINU GEORGE
R2 BY PUBLIC PROSECUTOR SRI.JITHESH.**

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

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Crl.MC.No.4056 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNX.AI - A TRUE COPY OF THE FIRST INFORMATION REPORT NO.191/2014 OF
VELLAMUNDA POLICE STATION DATED 07.06.2014.**

**ANNX.A2 - THE AFFIDAVIT DATED 13.01.2015 EXECUTED AND SIGNED BY THE
1ST RESPONDENT.**

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

ALEXANDER THOMAS, J.
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Crl.M.C.No. 4056 of 2015
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Dated this the 2nd day of July, 2015
ORDER

The petitioner herein is the sole accused in the impugned in Anx.A-1 FIR in Crime No.191/2014 of Vellamunda Police Station, registered for offences punishable under Secs.420 and 471 of the I.P.C. and Sec.17 of the Money Lenders Act. It is stated that now the entire disputes between the petitioner and the 1st respondent defacto complainant have been settled amicably and that the 1st respondent has sworn to Anx.A-2 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.A-1 FIR in Crime No.191/2014 of Vellamunda Police Station 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///

P.S. to Judge

Sd/-
ALEXANDER THOMAS, JUDGE

