

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

Crl.MC.No. 4584 of 2015

CRIME NO. 508/2015 OF MULANTHURUTHY POLICE STATION, ERNAKULAM
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PETITIONER(S)/ACCUSED:

**PETER JOLLY, AGED 38 YEARS,
S/O. JOHN, AMBALATHINKAL HOUSE, VALIYAKULAM BHAGOM,
UDAYAMPEROOR, MANAKUNNAM VILLAGE.**

BY ADV. SRI.C.P.UDAYABHANU

RESPONDENT(S):

- 1. VELAMKANNI, AGED 40,
S/O. LOURDH R.A., LOTTERY VENDOR, KUZHIKKATTIL BUILDING,
MULANTHURUTHY - 652 310.**
- 2. STATE OF KERALA,
REPRESENTED BY THE S.I OF POLICE, (CRIME NO. 508/15),
MULANTHURUTHY POLICE STATION, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

R1 BY ADV. SRI.G.SIJI

R2 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
21-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 4584 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE I: A CERTIFIED COPY OF THE FIR IN CRIME NO.508/2015 OF
MULANTHURUTHY POLICE STATION, ERNAKULAM.**

**ANNEXURE II: AFFIDAVIT SWORN BY R1/DE FACTO COMPLAINANT IN
ANNEXURE I FIR.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ALEXANDER THOMAS, J.

Crl.M.C.No.4584 Of 2015

Dated this the 21st day of July, 2015.

ORDER

The petitioner herein is the sole accused in Anx-I FIR in Crime No.508/2015 of Mulanthuruthy Police Station registered for offences alleged under Sec.420 IPC, Sec.17 of the Kerala Money Lenders Act and Sec.3 r/w Sec.9(1)(a) of the Kerala Prohibition of Charging Exorbitant Interest Act, 2012. The prosecution allegation is that the petitioner was found collecting Rs.100/- from the 1st respondent with whom he had some illegal money transactions. It is submitted that the matter has been settled between the parties and that the 1st respondent (defacto complainant) has sworn to Anx-II affidavit wherein he has stated that the accused has not engaged in any unauthorised he has no objection in the quashment of 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.

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-I FIR in Crime No.508/2015 of Mulanthuruthy 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 CrI.M.C stands finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-