

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

Crl.MC.No. 4806 of 2015

CC 151/2015 OF CHIEF JUDICIAL MAGISTRATE COURT, PALAKKAD

CRIME NO. 884/2014 OF PALAKKAD TOWN SOUTH POLICE STATION
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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.SIBI BHAGAVANDAS
SRI.NOBEL RAJU**

RESPONDENT(S)/COMPLAINANTS:

- 1. N.S.SANTHOSH SEETHARAMAN,
S/O.N.V.SREENIVASAN, (NGS -120) 2/136, ARADHANA HOUSE,
NOORANI P.O., PALAKKAD TLAUK, PALAKKAD DISTRICT - 678 004.**
- 2. 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 BY ADV. SRI.SHIRAZ ABDULLA
R2 BY PUBLIC PROSECUTOR SRI.GIKKU JACOB**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
30-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 4806 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1: A CERTIFIED COPY OF THE F.I.R NO.884 OF 2014 OF PALAKKAD
TOWN SOUTH POLICE STATION DATED 18.6.2014.**

ANNEXURE A2: A TRUE COPY OF THE FINAL REPORT DATED 26.11.2014.

ANNEXURE A3: AFFIDAVIT EXECUTED BY THE 1ST RESPONDENT DATED 25.7.2015.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ALEXANDER THOMAS, J.

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Crl.M.C.No. 4806 of 2015

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Dated this the 30th day of July, 2015

O R D E R

The petitioner herein is the sole accused in the impugned Anx.A-1 FIR in Crime No.884/2014 of Palakkad Town Police Station, registered for offences punishable under Secs.3 & 17 of the Money Lenders Act and Sec.3 of the Kerala Prohibition of Charging Exorbitant Interest Act, at the instance of the 1st respondent defacto complainant, which has led to the institution of Calendar Case, C.C.No.151/2015 on the file of the Chief Judicial Magistrate's Court, Palakkad. 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-3 affidavit before this Court, wherein it is stated that he has settled the entire disputes with the petitioner herein 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.884/2014 of Palakkad Town Police Station, which has led to the institution of Calendar Case, C.C.No.151/2015 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