

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

Cr1.MC.No. 4814 of 2015 ()

CRIME NO. 785/2014 OF THE MUSEUM POLICE STATION , THIRUVANANTHAPURAM

PETITIONER:

FASILA B. AGED 45 YEARS

D/O.BEEMAKANNU, 9/776, HOUSE NO C-1, JAWAHAR LANE
VELLAYAMBALAM, SASTHAMANGALAM P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.P.ANOOP (MULAVANA)

RESPONDENTS:

1. STATE OF KERALA

REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

2. SHEEBA KUMARI, AGED 48 YEARS

RESIDING AT TC. 23/1005, CHERUVILAKATHU VEEDU
BEHIND THYCAUD GOVT. HOSPITAL, VALIYASALA WARD
THYCAUD VILLAGE
THIRUVANANTHAPURAM DISTRICT 695 014.

R2 BY ADV. SMT.V.VIJITHA

R BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
13-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 4814 of 2015 ()

APPENDIX

PETITIONER'S ANNEXURES

ANNEXURE A1- TRUE COPY OF THE FIR IN CRIME NO.785/2014 OF THE MUSEUM
POLICE STATION, THIRUVANANTHAPURAM DATED 27.5.2014

ANNEXURE A2- AFFIDAVIT FILED BY THE 2ND RESPONDENT

RESPONDENTS' ANNEXURES : NIL

//TRUE COPY//

P.A. TO JUDGE

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P.UBAID, J.

Cri.MC.No. 4814 of 2015

Dated this the 13th day of August, 2015

ORDER

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.785/2014 of Museum Police Station, Thiruvananthapuram registered under Sections 384, 506 (i) of the IPC and 13 & 17 of the Kerala Money Lenders Act, 1958 and Sec.3 & 4 of the Prohibition of Charging Exhorbitant Interest Ordinance 2012, on the complaint of one Sheeba Kumari. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. The de facto complainant, Sheeba Kumari is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. She has filed affidavit to the effect that she has settled the whole dispute with the accused, and she has no grievance or complaint.

2. In so many decisions, the Hon'ble Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash prosecution; be it at the crime stage

or at the trial stage or even at the appellate or revision stage; if the parties have really settled the whole dispute or if continuance of prosecution will not serve any purpose. Here, I find a real case of settlement between the parties, and I also find that continuance of the proceeding 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.

3. On a perusal of the materials including the complaint, I find that this is not in fact a case coming under the Kerala Money Lenders Act or the Prohibition of Charging Exorbitant Interest Act. It appears that on a complaint regarding a single instance of borrowal, by the complainant from the petitioner, the police registered a crime, under the Kerala Money Lenders Act. It is submitted by the learned Public Prosecutor on instructions, that no document could be seized by the police, from the possession of the petitioner, proving her involvement in money lending business, and that nothing could be collected to indicate that there is any other victim of offence in this crime. There is reason to believe that the present complaint relates to a single transaction of borrowal between the complainant and the

petitioner, and nothing more. The dispute between them stands settled and resolved for ever. In such a situation, continuance of investigation will be abuse of legal process.

In the result, this petition is allowed. The F.I.R and further proceedings in crime No.785/2014 of Museum Police Station, Thiruvananthapuram, will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P.UBAID, JUDGE

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