

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

Cr1.MC.No. 5042 of 2015

IN CC 2034/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT
I, PUNALUR
CRIME NO. 442/2013 OF ANCHAL POLICE STATION , KOLLAM

PETITIONERS/ACCUSED-A1& A2:

1. PRASANTH KUMAR, AGED 35 YEARS,
S/O.KUTTAPPAN, S.K.NIVAS, CHILLING PLANT
ALANCHERY MURI, YEROOR VILLAGE, PATHANAPURAM TALUK,
KOLLAM DISTRICT. NOW RESIDING AT: ANIL BHAVAN
NETTAYAM MURI, ANCHAL VILLAGE, PATHANAPURAM TALUK
KOLLAM DISTRICT.
2. ASWATHY NATARAJAN, AGED 25 YEARS,
D/O.NATARAJAN, ASWATHY NIVAS, PANAYAM MURI,
YEROOR VILLAGE, PATHANAPURAM TALUK, KOLLAM DISTRICT.

BY ADV. SRI.K.V.ANIL KUMAR

RESPONDENTS/STATE & COMPLAINANTS:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682031.
2. THE SUB INSPECTOR OF POLICE
ANCHAL POLICE STATION, KOLLAM DISTRICT-691621.
3. LINU, AGED 37 YEARS
S/O.SASIDHARAN, 'LEENALAYAM', ANCHAL (P.O.)
ANCHAL VILLAGE, PUNALUR TALUK, KOLLAM DISTRICT-691621.
4. LEENA, AGED 40 YEARS
D/O.VIJAYAMMA, 'LEENALAYAM', POREDAM (P.O.)
THERUVIL BHAGAM, CHADAYAMANGALAM VILLAGE,
KOTTARAKKARA TALUK, KOLLAM DISTRICT, 691306.

R3 & R4 BY SRI.DINESH THANKAPPAN

R1 & R2 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 5042 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-A: COPY OF THE FINAL REPORT IN CRIME NO.442/2013 OF
ANCHAL POLICE STATION.

ANNEXURE-B: AFFIDAVIT OF THE 3RD RESPONDENT.

ANNEXURE-C: AFFIDAVIT OF THE 4TH RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.5042 of 2015

Dated this the 20th day of August, 2015

O R D E R

The petitioners herein are the three accused in C.C No.2034/2013 of the Judicial First Class Magistrate Court I, Punalur. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between them and the de facto complainant. Crime in this case was registered under Sections 420 and 424 of the Indian Penal Code and Sections 3 and 4 r/w 17 of the Kerala Money Lenders Act, 1958 on the complaint of one Linu who is the 3rd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused, and he has no grievance or complaint now.

2. The other victim of offence in this case is the 4th respondent. She has also filed affidavit to the effect that she has settled the whole dispute with the accused and she has no grievance or complaint now.

3. It is submitted by the learned Public Prosecutor that on search no document or material could be seized, indicating the involvement of the petitioners in any unauthorised money lending business punishable under the Kerala Money Lenders Act. There is nothing to show that any other victim of offence is involved in this case. Thus the transaction is purely personal between the petitioners and the defacto complainant. I am well satisfied that the whole dispute between them stands resolved.

4. In so many decisions, the Hon'ble Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash the prosecution in pending proceedings, if the parties have really settled the whole dispute amicably out of court, and continuance of the prosecution will not serve any purpose in such a circumstance of amicable settlement. Here, I find a real and genuine case of settlement between the parties. This is not a case involving any public interest or public issue. The parties have come to terms amicably on the intervention of persons acceptable to both sides. In such a situation, continuance of the prosecution will not serve any purpose other than wasting the precious time of the court. No

doubt, nobody will support the prosecution in such a situation, if the case goes to trial.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.2034/2013 of the Judicial First Class Magistrate Court I, Punalur will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

**P.UBAID
JUDGE**

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