

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

Crl.MC.No. 5395 of 2015

**CC 1236/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - , NORTH PARAVUR
CRIME NO. 379/2014 OF PUTHENVELIKKARA POLICE STATION, ERNAKULAM**
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PETITIONER(S)/ACCUSED NOS. 1 AND 2:

- 1. ANEESH, AGED 31 YEARS,
S/O.AUGUSTINE, MUTTANTHOTTIL HOUSE, KALLEPARAMBU BHAGOM,
PULIYAMTHURUTHU KARA, PUTHENVELIKKARA VILLAGE,
ERNAKULAM DISTRICT.**
- 2. SHYAM, AGED 43 YEARS,
S/O.BALAN, THYVALATH HOUSE, THURUTHIPPURAM KARA,
PUTHENVELIKKARA VILLAGE, ERNAKULAM DISTRICT.**

BY ADV. SRI.N.P.PRAJEESH

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. ANTONY, AGED 33 YEARS,
S/O.DEVASSY, THATTAMPARAMBIL HOUSE,
KURUMBATHURUTHU KARA, CHENNAMANGALAM VILLAGE,
NORTH PARAVUR, ERNAKULAM DISTRICT - 682 584.**

**R1 BY PUBLIC PROSECUTOR SMT.P.MAYA
R2 BY ADV. SRI.VIVEK VENUGOPAL**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
18-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

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APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE-A: PHOTOCOPY OF THE FINAL REPORT IN CRIME NO.379/2014 OF
PUTHENVELIKKARA POLICE STATION.**

**ANNEXURE-B: THE ORIGINAL OF THE AFFIDAVIT SWORN TO BY THE RESPONDENT
NO.2 BEFORE HIS ADVOCATE AT ERNAKULAM, DTD 6.8.2015.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msv/

ALEXANDER THOMAS, J.

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Dated this the 18th day of August, 2015.

ORDER

The petitioners are the accused Nos.1 & 2 in impugned Anx-A final report/charge sheet filed in Crime No.379/2014 of Puthenvelikkara Police Station, registered for offences alleged under Sec.420 of the IPC and Secs.3 & 4 r/w 17 of the Kerala Money Lenders Act, which is now pending as C.c.No.1236/2014 on the file of the Judicial First Class Magistrate Court-III, North Paravur. The prosecution case is that accused lend money without any licence to the defacto complainant for higher interest. Now, it is submitted that the matter has been settled between the petitioners and the 2nd respondent (defacto complainant) and that the 2nd respondent has sworn to Anx-B affidavit stating that the matter has been settled and that he has no objection in quashing the impugned criminal proceedings pending against the petitioners. It is in the light of these aspects that the petitioners

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have 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

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particularly paragraph 29 thereof, could be applied in this case to consider the prayer for quashment.

3. Accordingly, it is ordered in the interest of justice that the impugned Anx-A final report/charge sheet filed in Crime No.379/2014 of Puthenvelikkara Police Station, which is now pending as C.C.No.1236/2014 on the file of the Judicial First Class Magistrate Court-III, North Paravur, and all further proceedings arising therefrom pending against the petitioners herein stand quashed under Sec.482 of the Code of Criminal Procedure.

With these observations and directions, this Crl.M.C stands finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-