

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

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

CrI.MC.No. 5572 of 2015 ()

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CC.NO. 595/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, CHITTUR
CRIME NO. 599/2014 OF CHITTOOR POLICE STATION, PALAKKAD
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PETITIONERS/ACCUSED NOS.1 & 2 :

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- 1. HAKKEEM
AGED 42 YEARS, S/O. VELLA RAWTHAR,
NANGAKURUSSIKALAM, THEKKEDESOM
NALLEPULLI, CHITTOOR TALUK,
PALAKKAD DISTRICT.**
 - 2. K.B.SAJI
AGED 45 YEARS, S/O. BALAKRISHNAN,
VATTAMPOTTAKULAM, THEKKEDESOM
KAMBILICHUNGAM, PALAKKAD DISTRICT.**

BY ADV. SRI. N.P. PRAJEESH

RESPONDENTS/STATE & DEFACTO COMPLAINANT :

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- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
 - 2. MOHAMMED ANSAR,
AGED 33 YEARS, S/O. SHAHUL HAMEED,
MUTHALAMTHODU KALAM, VILAYODI P.O.
CHITTUR, PALAKKAD DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN
R2 BY ADV. SRI.VIVEK VENUGOPAL**

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

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...2/-

Crl.MC.No. 5572 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE A : CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.599/2014
OF CHITTOOR POLICE STATION, PALAKKAD DISTRICT.**

**ANNEXURE B : ORIGINAL OF THE AFFIDAVIT SWORN TO BY THE
RESPONDENT NO.2 BEFORE HIS ADVOCATE AT PALAKKAD
DTD.17.8.2015.**

**ANNEXURE C : PHOTOCOPY OF THE PETITION DTD.28.10.2014 SUBMITTED
BEFORE THE S.I. OF POLICE, CHITTOOR BY THE 2ND
RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No.5572 of 2015

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Dated this the 20th day of August , 2015

O R D E R

The petitioners herein are arrayed as the accused Nos.1 and 2 in the impugned Anx.A final report/charge sheet filed in Crime No.599/2014 of Chittor Police Station, registered for offences under Secs.3, 17, 18(a) of Kerala Money Lenders Act and Secs.3, 9(a) of Kerala Prohibition of Charging Exorbitant Interest Act, 2012, which has led to the institution of Calendar Case, C.C.No.595/2014 on the file of the Judicial First Class Magistrate Court, Chittur. It is stated that the alleged victim of the money transaction of the petitioners from which the impugned crime has arisen, have sworn to affidavit before this Court, stating that he has no grievance against the petitioners and has no objection for quashment of the impugned criminal proceedings against the petitioners. He has filed affidavit to this effect also.

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 continuance of 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 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.B final report/charge sheet filed in Crime No.599/2014 of Chittoor Police Station, which has led to the institution of C.C.No.595/2014 on the file of the Judicial First Class Magistrate Court, Chittur and all further proceedings arising therefrom pending

against the petitioners herein stand quashed.

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

Sd/-
ALEXANDER THOMAS, JUDGE

AVS