

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 193

Crl.MC.No. 4416 of 2014

**CC 1627/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, THRISSUR.
CRIME NO. 223/2014 OF ANTHIKAD POLICE STATION.**

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PETITIONER/ACCUSED:

**UNNIRAJ @ UNNIRAJAN, S/O.SANKAR DAS,
AGED 53 YEARS, KOTAPPULLYVEEDU,
CHAZHOOR, DUBAI ROAD, CHAZHOOR VILLAGE.**

**BY ADVS.SRI.C.A.CHACKO
SMT.C.M.CHARISMA**

RESPONDENT(S)/COMPLAINANT & CW 7:

- 1. THE STATE OF KERALA,
REPRESENTING SUB INSPECTOR OF POLICE,
ANTHIKKAD POLICE STATION, THRISSUR,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. MUHAMMED SHAH, S/O.HYDROSE,
AGED 54 YEARS, MALIYEKKALVEETIL,
PERINGOTTUKARA DESOM, THANNYAM VILLAGE - 680 535.**

**R1 BY PUBLIC PROSECUTOR SRI.GITHESH
R2 BY ADV. SRI.K.C.MINESH KUMAR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 06-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1 : CERTIFIED COPY OF FIR AND FIS IN CRIME NO.223 OF 2014 OF ANTHIKKAD POLICE STATION.

ANNEXURE A2 : CERTIFIED COPY OF FINAL REPORT IN CRIME NO.223 OF 2014 OF ANTHIKKAD POLICE STATION.

ANNEXURE A3 : AFFIDAVIT DATED 2.8.2014 OF 2ND RESPONDENT.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C No. 4416 of 2014

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Dated this the 6th day of July, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.223/2014 of Anthikkad Police Station, registered under Section 3 r/w 17 and 18(A) of Kerala Money Lenders Act. The 2nd respondent in this proceeding has filed affidavit to the effect that he has settled the whole dispute with the accused and he has no grievance or complaint.

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, the impugned F.I.R and further proceedings arising out of Crime No.223/2014 of Anthikkad Police Station, including all further proceedings arising out of C.C.No.1627/2014 on the file of the Judicial First Class Magistrate Court-II, Thrissur pending against the petitioner herein will stand quashed under Section 482 of the Code of Criminal Procedure.

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

sd/-

sab

ALEXANDER THOMAS, JUDGE

