

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

Crl.MC.No. 4433 of 2014 ()

CRIME NO. 1417/2014 OF NORTH PARUR POLICE STATION, ERNAKULAM

PETITIONER(S)/ACCUSED:

**SURESH,
VADAKEERAVOOR HOUSE, KEZHAKPRAM, NORTH PARUR,
ERNAKULAM DISTRICT, PINCODE-683513.**

**BY ADVS.SRI.ASHIK K.MOHAMMED ALI
SMT.SAJNA T.UMMER**

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM (REPRESENTING THE SUB INSPECTOR OF POLICE,
NORTH PARUR POLICE STATION, ERNAKULAM DISTRICT).**
- 2. MUHAMMED NISSAR, AGED 43 YEARS,
S/O.MUHAMMED, NADUVILAPARAMBIL HOUSE,
KARUMALLOOR VILLAGE, NORTH PARUR TALUK
ERNAKULAM-683511.**

**R2 BY ADV. SRI.S.R.SREEJITH
R1 BY PUBLIC PROSECUTOR SMT.LISHA.M.G.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 4433 of 2014 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE-A1: TRUE COPY OF THE FIR AND F.I.STATEMENT IN CRIME NO.1417 OF 2014
OF THE NORTH PARUR POLICE STATION.**

ANNEXURE-A2: TRUE COPY OF THE AFFIDAVIT FILED BY THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS

NIL

//True Copy//

P.A. To Judge

Bb

RAJA VIJAYARAGHAVAN V, J.

Crl.M.C.No.4433 of 2014

Dated this the 29th day of June, 2015

O R D E R

This is a petition filed under Section 482 of Code of Criminal Procedure.

2. The petitioner is the sole accused in Crime No.1417/2014 of the North Parur Police Station, Ernakulam. The said crime was registered for offence under Sections 13 and 17 of the Kerala Money Lenders Act, 1958 and Sections 7 and 8 of the Kerala Prohibition of Charging Exorbitant Interest Act, 2012.

3. The prayer in this Criminal Miscellaneous Case is to exercise the extraordinary inherent powers of this Court under Section 482 of the Code of Criminal Procedure and to quash the FIR and all further proceedings in Crime No.1417/2014 of the North Parur Police Station, Ernakulam.

4. The crime was originally registered based on the information given by the second respondent in this proceeding. The second respondent has filed an affidavit asserting that he has settled the whole dispute with the petitioner herein and he has no

subsisting grievance. He has also stated in the affidavit that the petitioner is known to him for the last 15 years and are close friends.

5. I have heard the learned counsel for the petitioner, the learned counsel for the 2nd respondent and also the learned Public Prosecutor.

6. The learned counsel for the second respondent has submitted that the assertions in the affidavit filed before court are true.

7. I have anxiously gone through the relevant records and also the affidavit filed by the de facto complainant. I am convinced that the offence are entirely personal in nature and, therefore, do not affect public peace or tranquility. It has been held by the Apex Court, that the high court, while exercising powers under Section 482 will be justified in quashing cases involving even non-compoundable offence if the disputes are really private in nature and no public interests are involved provided that the offenses are not of the gravely objectionable variety. I am convinced that the extraordinary powers under Section 482 can be invoked as the case falls within the matrix of

guidelines laid down by the Apex Court in **Gian Singh v. State of Punjab (2012 (4) KLT 108)** and in **Narinder Singh and others v. State of Punjab** reported in **(2014) 6 SCC 466** and other cases. It is also felt that quashing of the instant proceedings would bring about peace and secure ends of justice. No purpose will be served in subjecting the parties to the ordeal of a protracted trial in view of the settlement. It will only enure to waste valuable judicial hours.

8. I am therefore of the view that the criminal proceedings pending as against the petitioner can be quashed by invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure.

In the result, this Criminal Miscellaneous Case is allowed, and the First Information Report and all further proceedings in Crime No.1417/2014 of the North Parur Police Station, Ernakulam are hereby quashed.

Sd/-
**RAJA VIJAYARAGHAVAN V,
JUDGE.**

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[True copy]

P.A to Judge