

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ALEXANDER THOMAS

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

Crl.MC.No.4827 of 2014

CRIME NO.861/2014 OF KASABA POLICE STATION,PALAKKAD.

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PETITIONER/ACCUSED:

**RAVI,S/O.VELAYUDHAN,AGED 46 YEARS,
AYILYAM,KALARIPARAMBU,PUDUSSERY,
PALAKKAD DISTRICT.**

BY ADV.SRI.RAJESH SIVARAMANKUTTY

RESPONDENT'S/STATE/DEFACTO COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.**
- 2. SUNILKUMAR,S/O.MURUKESAN,AGED 32 YEARS,
THEKKETHARA,MARUTHA ROAD,PALAKKAD.**

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.
R2 BY ADV.SRI.BOBMY MATHEW KOOHATTUKULAM**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

Crl.MC.No.4827 of 2014

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE-A:TRUE COPY OF THE COMPLAINT FILED BY THE 2ND
RESPONDENT BEFORE THE DISTRICT SUPERINTENDENT OF
POLICE, PALAKKAD.**

**ANNEXURE-B:TRUE COPY OF THE FIRST INFORMATION REPORT
DATED 31.7.2014 OF KASABA POLICE STATION, PALAKKAD.**

ANNEXURE-C:TRUE COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

ALEXANDER THOMAS, J.

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Crl.M.C.No. 4827 of 2014

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Dated this the 5th day of June, 2015

O R D E R

The petitioner seeks orders quashing the impugned Anx.B F.I.R and further proceedings in Crime No.861/2014 of Palakkad Kasaba Police Station, registered for offences under Secs.3 and 17 of the Kerala Money Lenders Act and Sec.3 read with Sec.9(a) of the Prohibition of Charging Exorbitant Interest (Kanduvatti) Act. It is stated that now the entire disputes between the petitioner and the 2nd respondent defacto complainant have been settled amicably. The 2nd respondent has sworn to Anx.C affidavit to the effect that he has settled the whole dispute with the petitioner accused and he has no objection for quashment of the impugned criminal proceedings against the petitioner. It is in the light of these aspects that the petitioner has filed the instant Crl.M.C. with the prayer for quashment of the impugned criminal proceedings against the petitioner.

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

3. Accordingly, the impugned F.I.R and all further proceedings arising out of Crime No.861/2014 of Palakkad Kasaba Police Station pending against the petitioner herein will stand

quashed under Sec. 482 of the Code of Criminal Procedure.

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

sd/+

///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge