

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

CrI.MC.No. 4886 of 2014

**CC 991/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,PALAKKAD
CRIME NO. 575/2014 OF KUZHALMANNAM POLICE STATION , PALAKKAD**

PETITIONER(S)/SOLE ACCUSED:

**M.CHAMYKUTTY, AGED 54 YEARS,
S/O.MALLU, ARCHANA HOUSE, KULAVAN MUKKU
KUZHALMANNOM, PALAKKAD.**

**BY ADVS.SRI.P.P.THAJUDEEN
SRI.MANSOOR.B.H.**

RESPONDENT(S)/STATE/COMPLAINANT & VICTIMS CWS 4-7:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. SUB INSPECTOR OF POLICE,
KUZHALMANNOM POLICE STATION,
PALAKKAD DISTRICT-678001.**
- 3. PREMACHANDRAN,
S/O.VELAYUDHAN, PRANAVOM, ANIKKODU,
KARIYAMKODU, PALAKKAD-678001.**
- 4. VALSAKUMARI,
W/O.GOPALAKRISHNAN, PATHALIL HOUSE, KOTTANGAL P.O.
CHUNGAPARA, PATHANAMTHITTA-6.**
- 5. KRISHNA IYER,
S/O.SHIVARAMAKRISHNA IYER, KALATHIL MADOM,
KALLOOR P.O., PALAKKAD-687001.**
- 6. SASIKUMAR,
S/O.NARAYANAN, UTHRODOM, AYILAM GRAMOM
VARODE P.O., KOYTTAYI, PALAKKAD-678001.**

**R1 & 2 BY PUBLIC PROSECUTOR SMT.S.HYMA
BY SMT.C.SEENA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 22-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 4886 OF 2014

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE A CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.575/14 OF
 KUZHALMANNOM POLICE STATION**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Crl.M.C No.4886 of 2014

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Dated this the 22nd day of June, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No. 575 of 2014 of Kuzhalmannom Police Station, registered under Sections 3 r/w 17 of Kerala Money Lenders Act, 1958 and Sec. 3 r/w 9 (a) of Kerala Prohibition of Charging Exorbitant Interest Act 2012. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. It is stated that now the entire disputes between the petitioner and the witnesses have been amicably settled and the Respondents 3 to 5 have filed affidavit to the effect that they have settled the dispute with the accused and they have no grievance or complaint now.

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. 575 of 2014 of Kuzhalmannom Police Station, including all further proceedings arising out of C.C.No.991 of 2014 on the files of Judicial First Class Magistrate's Court-I, Palakkad 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