

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ALEXANDER THOMAS

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

Crl.MC.No.6653 of 2014

**CC NO.248/2013 of CHIEF JUDICIAL MAGISTRATE COURT,THRISSUR.
CRIME NO.511/2013 OF TOWN EAST POLICE STATION,TRISSUR.**

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PETITIONERS/ACCUSED:

- 1. FINE INDIA SALES PRIVATE LIMITED
91A WAJIDPUR JAJMAU,KANPUR,
UTTARPRADESH-201080,
REPRESENTED BY ITS MANAGING DIRECTOR
MUHAMMED NAZEER.**
- 2. MUHAMMED NAZEER,AGED 45 YEARS,
MANAGING DIRECTOR,FINE INDIA SALES PRIVATE LIMITED,
91A,WAJIDPUR JAJMAU,KANPUR,
UTTARPRADESH-201080.**
- 3. SHYMA KHURSHID,AGED 40 YEARS,
DIRECTOR,FINE INDIA SALES PRIVATE LIMITED,91A
WAJIDPUR JAJMAU,KANPUR,UTTARPRADESH-201080.**
- 4. MAHESH BADUR SINGH,AGED 43 YEARS,
DIRECTOR,FINE INDIA SALES PRIVATE LIMITED,91A,
WAJIDPUR JAJMAU,KANPUR,UTTARPRADESH-201080.**
- 5. SHAMSHAD ALAM,DIRECTOR,
FINE INDIA SALES PRIVATE LIMITED,91A,
WAJIDPUR JAJMAU,KANPUR,UTTARPRADESH-201080.**
- 6. BHUBENDRA CHATURVEDI,DIRECTOR,
FINE INDIA SALES PRIVATE LIMITED,91A,
WAJIDPUR JAJMAU,KANPUR,UTTARPRADESH-201080.**
- 7. DIVAKAR SINHA,FINE INDIA SALES PRIVATE LIMITED,
91A,WAJIDPUR JAJMAU,KANPUR,UTTARPRADESH-201080.**
- 8. SAYED AHAMMED,FINE INDIA SALES PRIVATE LIMITED,
91A,WAJIDPUR JAJMAU,KANPUR,UTTARPRADESH-201080.**
- 9. KAMRAN KHURSHID,FINE INDIA SALES PRIVATE LIMITED,
91A,WAJIDPUR JAJMAU,KANPUR,UTTARPRADESH-201080.**

BY ADV.SRI.K.B.GANGESH

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RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

- 1. THE STATE OF KERALA, REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**
- 2. SHERLY EDWIN, W/O. EDWIN KOSES, MULACKAL HOUSE,
NETTIZSERRY P.O., THRISSUR-680657.**

***ADDITIONAL 3RD RESPONDENT IMPEADED**

**Addl.R3.V.P.LAZAR, S/O.JOSEPH, VALAPPIL HOUSE,
KEEZHUR, KUNNAMKULAM, THRISSUR-680507.**

***IS IMPEADED AS ADDL.R3 AS PER ORDER DT: 03/02/2015 IN
CRL.MA 806/2015 IN CRL.MC 6653/2014.**

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.
R2, ADDL.R3 BY ADV.SMT.ATHIRA A.MENON**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 08-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: FIR IN CRIME NO.511/2013 IN THRISSUR EAST POLICE STATION.

**ANNEXURE A2: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.511/2013
OF THRISSUR EAST POLICE STATION.**

ANNEXURE A3: AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT.

ANNEXURE A4:AFFIDAVIT EXECUTED BY THE 3RD RESPONDENT.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Dated this the 8th day of June, 2015.

ORDER

The petitioners seek orders quashing the FIR and further proceedings in Crime No.511/2013 of Thrissur East Police Station registered for offences under Secs.406 & 420 r/w 34 IPC and Secs.3, 4, 5 & 6 of the Prize Chit & Money Circulation Schemes (Banning) Act, 1978, on the complaint of the defacto complainant-2nd respondent. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the defacto complainant out of court. The defacto complainant is the 2nd respondent in this proceedings brought under Sec. 482 of the Cr.P.C. It is stated that the petitioners had received money from the additional 3rd respondent also. Both of them have filed affidavit to the effect that they have settled the whole dispute with the accused and they have no grievance or complaint against the petitioners.

2. In a catena of decisions, the Apex Court has held that in appropriate cases involving even non-compoundable offences, the High

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Court can quash prosecution by exercise of the powers under Sec. 482 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 attended 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 another 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 Annexure-A2 Final Report/Charge Sheet filed in impugned Annexure-A1 Crime No.511/2013 of Thrissur East Police Station which is now pending as C.C.No.248/2013 on the file of the Chief Judicial Magistrate Court,

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Thrissur and all further proceedings arising therefrom as against the petitioners shall stand quashed under Sec. 482 of the Code of Criminal Procedure.

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

ALEXANDER THOMAS,
Judge.

bkn/-