

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 5TH DAY OF JANUARY 2015/15TH POUSHA, 1936

Crl.MC.No. 6817 of 2014 ()

CC. NO.1153/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, PUNALUR.
CRIME NO. 546/2014 OF YEROOR POLICE STATION, KOLLAM DISTRICT.

PETITIONER/ACCUSED:

PRASANTH KUMAR, AGED 35 YEARS,
S/O. KUTTAPPAN, S.K. NIVAS, CHILLING PLANT,
ALANCHERY MURI, YEROOR VILLAGE,
PATHANAPURAM TALUK, KOLLAM DISTRICT,
NOW RESIDING AT ANIL BHAVAN, NETTAYAM MURI,
ANCHAL VILLAGE, PATHANAPURAM TALUK,
KOLLAM DISTRICT.

BY ADV. SRI.P.VDILEEP.

RESPONDENTS/STATE & COMPLAINANT:

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- 1. STATE OF KERALA,**
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.
 - 2. THE SUB INSPECTOR OF POLICE,**
YEROOR POLICE STATION, KOLLAM DISTRICT-691 306.
 - 3. SUSHA, D/O. CHELLAMMA,**
MANJU NIVAS, EDATHARA MURI,
KADAKKAL VILLAGE, KOTTARAKKARA TALUK,
KOLLAM DISTRICT-691 121.

R1 & R2 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS.
R3 BY ADV. SRI.K.V.ANIL KUMAR.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE A1 COPY OF THE FINAL REPORT IN CRIME NO.546/2014
 OF YEROOR POLICE STATION.**

ANNEXURE A2 AFFIDAVIT OF THE 3RD RESPONDENT.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

B.KEMAL PASHA, J.

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CRL.M.C. No.6817 of 2014
.....

Dated this the 5th day of January, 2015

ORDER

Petitioner is the accused in C.C.No.1153/2014 of the Judicial First Class Magistrate's Court-I, Punalur which has arisen from Crime No.546/14 of the Yeroor Police Station, Kollam. The case relates to the offences punishable under Section 420 of the Indian Penal Code and Sections 3 and 17 of the Kerala Money Lender's Act.

2. The petitioner has come up with this Crl.M.C. under Section 482 Cr.P.C. for getting Annexure A1 final report in Crime No.546/2014 of the Yeroor Police Station, now pending before the Judicial First Class Magistrate's Court-I, Punalur as C.C.1153/2014, quashed.

3. The allegation against the petitioner is that the defacto complainant had borrowed an amount of ₹3 lakhs

from the petitioner on 05.05.2010 by furnishing signed blank cheque leaves, signed blank stamp papers etc. as security. Even though the defacto complainant had paid an amount of ₹14,40,000/- to the petitioner by way of repayment towards the said transaction, the petitioner has not cared to return the documents obtained by him from the defacto complainant. According to the petitioner, the matter has been amicably settled between him and the defacto complainant and presently the defacto complainant has no complaints against him.

4. Heard learned counsel for the petitioner, the learned counsel for the defacto complainant, who is the 3rd respondent herein, and the learned Public Prosecutor.

5. The defacto complainant, who is the 3rd respondent herein, has filed an affidavit affirming that the matter has been amicably settled between her and the petitioner and, therefore, she does not want to proceed against the petitioner. As the matter relates to a money transaction and when the matter has been settled, there is

no meaning in further proceeding with the matter in question. The 3rd respondent has entered appearance through her counsel. The learned counsel for the 3rd respondent also endorses the fact that the affidavit has been sworn in by the defacto complainant on her own volition and that the matter has been amicably settled. Matters being so, it is only just and proper in the interest of justice to quash all further proceedings in Annexure A1 final report in Crime No.546/2014 of the Yeroor Police Station now pending before the Judicial First Class Magistrate's Court-I, Punalur as C.C.1153/2014.

In the result, this CrI.M.C is allowed and Annexure A1 final report in Crime No.546/2014 of the Yeroor Police Station, and all proceedings pending before the Judicial First Class Magistrate's Court-I, Punalur on it as C.C.1153/2014, are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge