

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

Crl.MC.No. 7413 of 2014 ()

CRIME NO. 853/2014 OF CHITTOOR POLICE STATION, PALAKKAD DISTRICT.

.....

PETITIONER/ACCUSED:

**HAKKEEM, AGED 42 YEARS,
S/O. VELLAMUTHU, NANGAKURUSSIKALAM,
THEKKEDESOM, CHITTOOR TALUK,
PALAKKAD DISTRICT.**

BY ADV. SRI.NIREESH MATHEW.

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. GIREESH, AGED 31 YEARS,
S/O. KUPPUSWAMI, KAMBILICHUNGATH COLONY,
THEKKEDESOM VILLAGE, CHITTOOR TALUK,
PALAKKAD DISTRICT-678 581.**

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.
R2 BY ADV. SRI.N.P.PRAJESH.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 09-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANX.A. A PHOTOCOPY OF THE FIRST INFORMATION REPORT IN
 CRIME NO. 853/2014 OF CHITTOOR POLICE STATION,
 PALAKKAD DISTRICT.
- ANX.B. THE ORIGINAL OF THE AFFIDAVIT SWORN TO BY THE
 RESPONDENT NO.2 BEFORE HER ADVOCATE AT PALAKKAD,
 DATED 20-12-2014.
- ANX.C. COPY OF THE PETITION DATED 04/10/2014 SUBMITTED
 BEFORE THE S.I. OF POLICE, CHITTOOR BY THE 2ND RESPONDENT.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ALEXANDER THOMAS, J.

=====

Crl.M.C.No. 7413 of 2014

=====

Dated this the 9th day of June, 2015

O R D E R

The petitioner herein is the accused in the impugned Anx.A FIR in Crime No.853/2014 of Chittoor Police Station, Palakkad district, registered for offences punishable under Secs.3, 7 and 18(a) of the Kerala Money Lenders Act, 1958. It is stated that now the entire disputes between the petitioner and 2nd respondent defacto complainant have been settled amicably and that the 2nd respondent has sworn to Anx.B affidavit before this Court, wherein it is stated that he has settled the entire disputes with the petitioner and that he has no objection for quashment of the impugned criminal proceedings pending against the petitioner. It is in the light of these aspects that the petitioner has preferred the instant Crl.M.C. with the prayer to quash the impugned criminal proceedings against him.

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 the 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. Accordingly, it is ordered in the interest of justice that the impugned Anx.A FIR in Crime No.853/2014 of Chittoor Police Station, Palakkad district and all further proceedings arising therefrom pending against the petitioner stand quashed.

The CrI.M.C. is disposed of as above.

sdk+

///True copy///

P.S. to Judge

Sd/-
ALEXANDER THOMAS, JUDGE

