

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

Crl.MC.No. 529 of 2015 ()

CRIME NO. 832/2014 OF PALARIVATTOM POLICE STATION, ERNAKULAM DIST.

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PETITIONER/ACCUSED:

**JOSE THOMAS, AGED 33 YEARS,
S/O.VETTIKATTIL VEETIL, DHAMODHAR APARTMENT,
29/401/1, KUNNETH LANE, THIRUVAMBADI P.O.,
THRISSUR- 680 003.**

BY ADV. SRI.N.K.MOHANLAL.

RESPONDENTS/COMPLAINANTS NO.1 AND STATE/DEFACTO COMPLAINANT:

- 1. SUB INSPECTOR OF POLICE,
PALARIVATTOM POLICE STATION,
PALARIVATTOM, KOCHI- 682 025.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 3. GIROSH M.J., S/O.JANARDHANAN,
9/466 (6/504), MADATHIMOOLAPARAMBU,
KAPPISSERY (PARMBAYAM), NEDUMBASSERY,
ALUVA, ERNAKULAM - 683 585.**

**R1 & R2 BY PUBLIC PROSECUTOR SRI.N. SURESH.
R3 BY ADV. SRI.K.SHAJ.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 01-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE A1: FIR DATED 09/06/2014 TOGETHER WITH UNDATED COMPLAINT.**
- ANNEXURE A2: A TRUE COPY OF THE SALE AGREEMENT DATED 18/01/2014.**
- ANNEXURE A3: A TRUE COPY OF THE JUDGMENT OF HON'BLE HIGH COURT IN WP(C).NO.14331/2014 DATED 06/06/2014.**
- ANNEXURE A4: A TRUE COPY OF THE COMMON ORDER OF HON'BLE JUDICIAL FIRST CLASS MAGISTRATE COURT DATED 10/10/2014.**
- ANNEXURE A5: A TRUE COPY OF THE CLAIM PETITION FILED BY 3RD RESPONDENT DATED 27/09/2014.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Crl.M.C.No. 529 OF 2015

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Dated this the 1st day of July, 2015

O R D E R

The prayer in this Crl.M.C. is as follows:

“... to quash the Annexure A1 FIR registered by 1st respondent Sub Inspector of Police, Palarivattom Police Station Crime No. 832/14, Ernakulam District, in allowing the above Crl.M.C. and pass such orders which deemed just and necessary on the facts and circumstances of the case.”

2. As directed by this Court, the 1st respondent Sub Inspector of Police, Palarivattom Police Station, has filed statement dated 11.6.2015, in which, it is stated in paragraph 5 as follows:

“5. Later Girsoh (sic) said that he had lost his car due to the default of repayment for the loan amount borrowed from the petitioner as per the agreement made in between them in connection with sale of his car to Jose. Based on his statement and considering the circumstances the case was referred as Mistake of fact and hence refer report was submitted on 20.11.2014.”

3. After hearing both sides, it is ordered that the Crl.M.C. stands disposed of recording the said submission made by the 1st respondent Sub Inspector of Police, Palarivattom, in the aforestated statement.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge

