

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

Crl.MC.No. 541 of 2015 ()

CRIME NO. 2725/2014 OF KOTHAMANGALAM POLICE STATION.

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PETITIONER/ACCUSED:

**CHITHARANJAN V.K., S/O.KUMARAN,
AGED 52 YEARS, VELLIMATTATHIL HOUSE, RAMALLOOR,
KOTHAMANGALAM P.O., ERNAKULAM DISTRICT.**

**BY ADVS.SRI.ALEXANDER JOSEPH,
SRI.T.P.JOSEPH.**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,**
- 2. THE SUB INSPECTOR OF POLICE,
KOTHAMANGALAM POLICE STATION,
KOTHAMANGALAM-686 691.**
- 3. DR. ANTONY OLIAPURAM, S/O. VARKEY,
OLIAPURAM HOUSE, RAMALLOOR KARA,
THRIKKARIYLOOR VILLAGE, KOTHAMANGALAM P.O.,
M ERNAKULAM DISTRICT-686 691.**

**R1 & R2 BY PUBLIC PROSECUTOR SMT.P. MAYA.
R3 BY ADVS. SRI.M.TRIPTEN,
SMT.VALSAMMA STEPHEN (MUVATTUPUZHA).**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 05-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE A1:** TRUE COPY OF THE FIR NO. 2725/2014 DATED 07.12.2014 OF KOTHAMANGALAM POLICE STATION.
- ANNEXURE A2:** TRUE COPY OF THE SALE DEED NO.4013/2011 DATED 01.07.2011 OF KOTHAMANGALAM SRO.
- ANNEXURE A3:** TRUE COPY OF THE SETTLEMENT DEED NO. 3750/2012 DATED 11.06.2012 OF KOTHAMANGALAM SRO.
- ANNEXURE A4:** TRUE COPY OF THE AGREEMENT DATED 05.09.2011.
- ANNEXURE A5:** TRUE COPY OF THE AGREEMENT DATED 11.06.2012.
- ANNEXURE A6:** TRUE COPY OF PROMISSORY NOTE DATED 27.10.2012.
- ANNEXURE A7:** TRUE COPY OF THE PLAINT IN O.S.NO. 71 OF 2014 OF THE SUB COURT, MUVATTUPUZHA.
- ANNEXURE A8:** TRUE COPY OF THE WRITTEN STATEMENT DATED 07.01.2015 IN O.S. 71/2014.
- ANNEXURE A9:** TRUE COPY OF THE JUDGMENT OF THE HON'BLE SUPREME COURT IN BINOD KUMAR & OTHERS V. STATE OF BIHAR & ANOTHER , (2014(10) SCC 663).

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

B.KEMAL PASHA, J.

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CRL.M.C. No.541 of 2015

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Dated this the 5th day of October, 2015

ORDER

The petitioner is the accused in Crime No.2725 of 2014 of the Kothamangalam Police Station, registered for the offences punishable under Sections 408, 420 and 468 IPC.

2. A private complaint was filed by the 3rd respondent herein as complainant before the Judicial First Class Magistrate's Court, Kothamangalam, alleging the said offences and the same was referred to the Police under Section 156(3) Cr.P.C. Consequently, the present crime has been registered. Matter is being investigated. Still the investigation is not over.

3. According to the petitioner, a civil suit is pending in respect of the property. The application seeking injunction filed by the 3rd respondent in the said suit has been dismissed by the civil court on merits. The present stage is too

premature to consider that the offences alleged against the petitioner will not lie. It is a matter that has to be decided on merits on the basis of evidence. The petitioner will get enough opportunities to challenge those things. Let the investigation continue. There is no reason to interfere with the investigation at present .

Therefore, this Crl.M.C. is closed, for the time being, with liberty to the petitioner to approach this Court or appropriate Forum, at appropriate stage.

Sd/-

**B. KEMAL PASHA
JUDGE**

DSV/6/10/15

// True Copy //

P.A. To Judge