

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

Crl.MC.No. 568 of 2015 ()

**L.P.NO. 29/2014 of CHIEF JUDICIAL MAGISTRATE, THRISSUR.
CRIME NO. 1237/2012 OF THRISSUR EAST POLICE STATION.**

PETITIONER/ACCUSED:

**SUNIL KUMAR, AGED 41 YEARS,
S/O.SETHUMADHAVAN, THEDUMBIL HOUSE, VALLAPPAYA VILLAGE,
THRISSUR DISTRICT.**

BY ADV. SRI.M.T.SURESHKUMAR

RESPONDENT/STATE & DEFACTO COMPLAINANT:

**1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682 031.**

**2. SUNILA, AGED 31 YEARS,
D/O.RAMAN, POLIYATHU PARAMBIL HOUSE,
MATTATHUR KUNNU P.O., KODAKARA, THRISSUR DISTRICT.**

**R2 BY ADV. SRI.VINAY RAMDAS
R BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
16-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 568 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURE:

ANNEXURE A1: TRUE COPY OF THE FIR AND THE COMPLAINT TREATED AS FIS
DATED 22/06/2012 IN CRIME NO. 1237 OF 2012, THRISSUR EAST
POLICE STATION.

ANNEXURE A2: TRUE COPY OF THE FINAL REPORT DATED 13/08/2002 FILED
BY THE SUB INSPECTOR OF POLICE, THRISSUR EAST POLICE
STATION.

ANNEXURE A3: TRUE COPY OF THE CHEQUE DATED 30/04/2012.

RESPONDENT(S)' ANNEXURE:

NIL

TRUE COPY

P.A. TO JUDGE

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P.UBAID, J.

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Crl.M.C.No.568 of 2015

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Dated this the 16th day of October, 2015

ORDER

A prosecution involving the offence under Sections 406 and 420 IPC is sought to be quashed under Section 482 Cr.P.C. The petitioner herein is the accused in the said case which is now pending in the register of long pending case as L.P.No.29 of 2014 before the Chief Judicial Magistrate Court, Thrissur. The State opposed this application on the ground that final report is submitted in Court after collecting the necessary materials including the offences alleged, and that the prosecution has a strong case.

2. On hearing, and on a perusal of the materials including the final report and the complaint, I find that the petitioner does not have any reason or ground to have the final report quashed under Section 482 Cr.P.C. Crime was registered by the police on the basis of definite complaint alleging the offence of cheating in connection with a chity transaction, and the police, after necessary investigation submitted final report in Court along with the required documents to

prove the transaction, and also to prove the dishonesty on the part of the accused. It is not known whether the accused has made appearance before the trial court. If the case has not crossed the stage of framing charge, he can very well make an application for discharge. Without prejudice to the right of the petitioner to apply for discharge, this petition can be dismissed. I do not find any specific reason, or ground for interference under Section 482 Cr.P.C.

In the result, this Crl.M.C. is dismissed in limine, without being admitted to files, however, without prejudice to the right of the petitioner to make an application for discharge before the trial court.

rkj

Sd/-
P.UBAID
JUDGE

//TRUE COPY//

P.A. TO JUDGE