IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 1ST DAY OF SEPTEMBER 2015/10TH BHADRA, 1937

Crl.MC.No. 826 of 2015

CRIME NO.157/2010 OF VELLATHOOVAL POLICE STATION NOW CBCID CRIME NO.142/CR/OCWII/EKM/2013, IDUKKI DISTRICT

PETITIONER(S) :

----

1. REJI P.S, AGED 46 YEARS, S/O.SANKARAN,
   RESIDING AT PANACHICKAL HOUSE, RAJAKKAD.P.O., IDUKKI DISTRICT.

2. SASI, AGED 61 YEARS, S/O.KESAVAN,
   RESIDING AT CHOOZHIKARAYIL HOUSE, RAJAKKAD.P.O.,
   IDUKKI DISTRICT.

3. KARTHYANI, AGED 64 YEARS, W/O.BHASKARAN,
   RESIDING AT CHOOZHIKARAYIL HOUSE,
   RAJAKKAD.P.O., IDUKKI DISTRICT.

BY ADV. SRI.BABU PAUL

RESPONDENT(S)/COMPLAINANT :

----

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

2. THE DETECTIVE INSPECTOR,
   CB-CID, OCWII, IDUKKI SUB UNIT, THODUPUZHA- 688 110.

3. THE STATION HOUSE OFFICER,
   VELLATHOOVAL POLICE STATION, VELLATHOOVAL- 688 101.

* <u>ADDITIONAL R4 IMPLEADED</u>

4. THE FEDERAL BANK, REPRESENTED BY ITS
   BRANCH MANAGER, KUNCHITHANNY, PIN- 685 565.

* ADDITIONAL R4 IS IMPLEADED AS PER ORDER DATED 03.03.2015 IN CRL.M.A.NO.1454 OF 2015.

R1 TO R3 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE
ADDL. R4 BY ADVS. SRI.A.ANTONY
SMT.LEELAMMA ANTONY

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 826 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :

ANNEXURE A1: **TRUE COPY OF THE F.I.R DATED 27.04.2010.**

ANNEXURE A2: **TRUE COPY OF THE ORDER IN B.A.6358/2014 DATED 31.10.2014.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B. KEMAL PASHA, J.

Crl.M.C. No.826 of 2015

Dated this the 1st day of September, 2015

O R D E R

Petitioners are the accused in Crime No.157/2010 of Vellathooval Police Station, which is now re-registered as Crime No.142/CR/OCW-II/EKM/2013 for the offences punishable under Sections 468 and 472 IPC.

2. The allegation against the petitioners is that they had availed a loan of ₹10 lakhs from the Kunjithanni Branch of the Federal Bank Limited on 22.01.2008 by producing false and fabricated documents as security for the loan.

3. It has been pointed out that earlier a loan of ₹10 lakhs was obtained by the petitioners from the Federal Bank Limited, Kunjithanni Branch, on the strength of documents produced by them before the said Bank. Subsequently, the said loan was repaid and the documents were returned. After that, again, one of the petitioners had obtained a loan of ₹5 lakhs from the said bank by depositing some documents as security. It

is the case of the petitioners that the bank has no complaint against the petitioners.

4. Heard learned counsel for the petitioner, learned counsel for the 4th respondent bank, and learned Public Prosecutor.

5. It seems that still, the bank has no complaint that any forgery for the purpose of cheating was committed by any of the petitioners. The alleged transaction was closed. Still, the bank has no knowledge of any forgery committed by any of the petitioners for obtaining the said loan.

6. From all the above, it seems that the continued investigation of the matter is quite unnecessary and a waste of time. In such case, Annexure-A1 FIR is liable to be quashed.

In the result, this Crl.M.C. is allowed and Annexure-A1 FIR is quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/01/09

// True Copy //
PA to Judge