

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYASHTA, 1937

Crl.MC.No. 1521 of 2015 ()

CRIME NO. 1367/2014 OF VADAKKANCHERY POLICE STATION , THRISSUR

PETITIONER(S)/3RD ACCUSED:

ELIAS V.P.
VARAPPTHUKUZHAYIL HOUSE, KURUMALA P.O., VATTULLY
CHELAKKARA, THRISSUR DISTRICT.

BY ADVS.SRI.J.VIMAL
SRI.ALAN PAPALI

RESPONDENTS/COMPLAINANTS:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM – 682 031.
2. K P JOHNSON
S/O.PATHROSE IYPE, KALAPURAYKKAL HOUSE, KODUMB DESOM
KANNIRAKODU P.O., THRISSUR DISTRICT.

R1 BY PUBLIC PROSECUTOR SRI.W.SURESH

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
05-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 1521 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE I: TRUE COPY OF THE COMPANY PETITION DATED 13/03/2014 FILED
BEFORE THE HON'BLE HIGH COURT WITH IS NUMBERED AS CP 6/2014
(WITHOUT EXHIBIT)

ANNEXURE II: TRUE COPY OF THE COMPLAINT DATED 08/10/2014 FILED BEFORE
CIRCLE INSPECTOR WADAKKANCHERRY.

ANNEXURE III: TRUE COPY OF THE FIR IN CRIME NO. 1367/2014 OF
VADAKKANCHERRY POLICE STATION, THRISSUR DISTRICT DATED 13/10/2014.

RESPONDENT(S)' EXHIBITS

/True copy/

P.S. TO JUDGE

P.UBAID, J.
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**Crl.M.C No.1521 of 2015**  
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Dated this the 5th June, 2015

ORDER

The petitioner herein is the 3rd accused in Crime No.1367 of 2014 of the Vadakkanchery Police Station registered under Sections 406 and 420 of Indian Penal Code. This crime was registered on the complaint of one K.P.Johnson, who is the 2nd respondent in this proceeding. The petitioner is one of the Directors of one Mahalife Kuries Pvt. Ltd. He now seeks orders quashing the F.I.R as against him, on the ground that he had no sort of complicity in the alleged crime, and that he has filed a company petition before this Court, with request to wind-up the company. This application is opposed by the State on the ground that investigation is in progress, and that the complicity of the petitioner as accused in the alleged transaction is yet to be detected.

2. On hearing both sides, and on a perusal of the materials, I find that the crime as against the petitioner cannot be now quashed under Section 482 of the Code of

Criminal Procedure. He will have to co-operate with the investigation. If the Investigating Officer accepts his stand and finds ultimately that he was only a silent Director having no active involvement in the transaction of the company, or that he had no complicity in the alleged crime, appropriate decision will be taken by the Investigating Officer. However, he apprehends that if he surrenders before the learned Magistrate, he will be remanded to judicial custody. No doubt, his grievance will be considered by the learned Magistrate in taking decision on the application for bail. The learned Magistrate will examine the case records meticulously, and see whether definite allegations are there, or whether necessary elements of the offence alleged in the complaint are there against the petitioner herein, and appropriate decision will be taken by the learned Magistrate in the matter of bail. Let investigation proceed, and the petitioner will have to co-operate.

In the result, this petition is disposed of, with direction to the learned Magistrate having jurisdiction that in case

application for bail is filed by the petitioner on surrender in Crime No.1367 of 2014 of Vadakkanchery Police Station, the same shall be judiciously considered and decided on the date of surrender itself.

**Sd/-
P.UBAID
JUDGE**

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/True copy/

P.S to Judge