

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

Cri.MC.No. 1866 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN CC 22/2015 of J.M.F.C.-I, THAMARASSERY
CRIME NO. 721/2014 OF THAMARASSERY POLICE STATION , KOZHIKODE

PETITIONER(S)/PETITIONER:

K.K.HANEEFA ALIAS MUHAMMAD HANEEFA , AGED 48 YEARS
S/O.IBRAHIM HAJI, KAIRALI VILLA, MOODALI P O
QUILANDY, KOZHIKODE DIST, PIN-673307

BY ADVS.SRI.V.S.CHANDRASEKHARAN
SRI.M.V.DAS
SMT.LEKSHMI SWAMINATHAN

RESPONDENT(S)/RESPONDENTS:

1. STATE OF KERALA
REP BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
2. SUB INSPECTOR OF POLICE
THAMARASSERY POLICE STATION, THAMARASSERY
KOZHIKODE(DISTRICT)PIN-673573
3. CIRCLE INSPECTOR OF POLICE
OFFICE OF THE C I OF POLICE, SULTHAN BATHERY
WAYANAD DIST, PIN-673592
4. ABDUL SHUKOOR
S/O.KUJAYAN KUTTY R/A.ASIA HOUSE, THAMARASSERY AMSOM
KOZHIKODE DIST, PIN-673573

R1 BY ADV. GOVERNMENT PLEADER
R BY PUBLIC PROSECUTOR SMT.SAREENA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
03-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- 1.TRUE COPY OF THE NOTICE DTD 7/8/2014 TO THE PETITIONER BY THE KERALA STATE FINANCIAL ENTERPRISES
- 2.TRUE COPY OF THE NOTICE 23/8/2014 TO THE PETITIONER BY THE SOUTH MALABAR GRAMIN BANK
- 3.TRUE COPY OF THE CHEQUE NO 017087 OF STATE BANK OF TRAVANCORE ISSUED BY THE 4TH RESPONDENT IN FAVOUR OF THE PETITIONER WITH THE DISHONOR MEMO DTD 18/10/2014
- 4.TRUE COPY OF THE PROMISSORY NOTE ISSUED BY THE 4TH RESPONDENT IN FAVOUR OF THE PETITIONER
- 5.TRUE COPY OF THE COMPLAINT LODGED BY THE PETITIONER BEFORE THE SUB INSPECTOR OF POLICE ,KOYILANDY
- 6.THE TRUE COPY OF THE RECEIPT NO 22 DTD 12/10/2014 ISSUED BY THE S I OF POLICE OF KOYILANDY POLICE STATION
- 7.THE TRUE COPY OF THE FIR DTD 17/10/2014 REGISTERED AGAINST THE PETITIONER IN CRIME NO 721/14 BY THE S I OF P OLICE, THAMARASSERY
- 8.THE TRUE COPY OF FINAL REPORT DTD 30/12/2014 IN CC 22/15 BEFORE HON'BLE JFCM COURT I, THAMARASSERY

RESPONDENT(S)' EXHIBITS : NIL

// True Copy //

PA to Judge

B. KEMAL PASHA, J.

.....
Crl.M.C. No.1866 of 2015
.....

Dated this the 3rd day of September, 2015

ORDER

~~~~~

Petitioner wants to get Annexure-A7 FIR in Crime No.721/2014 of the Thamarassery Police Station and Annexure-A8 final report in the matter, which is presently pending as C.C.22/2015 before the Judicial First Class Magistrate's Court-I, Thamarassery, quashed.

2. The police have filed final report on investigation, alleging offences punishable under Section 420 IPC and Sections 3 and 4 read with Section 17 of the Kerala Money Lenders Act. This Court is not making any opinion with regard to the merit or otherwise of the allegations against the petitioner at present. While exercising the power under Section 482 Cr.P.C., this Court cannot go into the details of the evidence collected by the investigating officer.

3. According to the petitioner, he is in no way

connected with the offences alleged and he has been falsely implicated in the case. According to him, he had never been involved in money lending. Of course, those matters can be brought to the notice of the court below by the petitioner at the stage of Section 239 Cr.P.C. In case an application is filed by the petitioner to that effect, the court below shall consider the said application on merits and pass appropriate orders in accordance with law. Further, on his surrender before the court below and on his filing an application seeking bail, the court below shall consider and dispose of that application on the same day itself, provided, advance notice has been served on the Assistant Public Prosecutor.

With the said observations, this CrI.M.C. is disposed of.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/03/09

*// True Copy //*

*PA to Judge*