

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. 3041 of 2015

**CC 1469/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, VADAKARA
CRIME NO. 753/2014 OF VATAKARA POLICE STATION, KOZHIKODE**
.....

PETITIONER(S)/ACCUSED:

**BHASKARAN, AGED 56 YEARS,
S/O.KANNAN, VANDANAM, CHEMMACHERY,
CHORODE, VADAKARA, KOZHIKODE-673 016.**

**BY ADVS.SRI.V.V.SURENDRAN
SRI.P.A.HARISH**

RESPONDENT(S)/STATE AND COMPLAINANT:

- 1. STATION HOUSE OFFICER,
VADAKARA POLICE STATION,
KOZHIKODE-673 016.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, COCHIN-682 031.**
- 3. SURESHBABU,
S/O.KELAN, RESIDING AT MAVULLAPARAMBATH HOUSE,
AJITHALAYAM, MAYYANNUR POST, VADAKARA,
KOZHIKODE-673 542.**

R1 & R2 BY PUBLIC PROSECUTOR SMT.MAYA

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
01-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE A1: TRUE COPY OF THE FIRST INFORMATION REPORT REGISTERED BY THE 1ST RESPONDENT.

ANNEXURE A2: CERTIFIED COPY OF THE FINAL REPORT SUBMITTED BY THE 1ST RESPONDENT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE , VADAKARA.

ANNEXURE A3: TRUE CERTIFIED COPY OF THE DOCUMENT NO.1464/2011.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msv/

B. KEMAL PASHA, J.

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Crl.M.C. No.3041 of 2015
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Dated this the 1st day of September, 2015

ORDER

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Annexure-A1 FIR in Crime No.753/2014 of the Vadakara Police Station and Annexure-A2 final report in the matter are sought to be quashed. The offences alleged in Annexure-A2 final report are under Section 420 IPC and Section 3 read with Section 17 of the Kerala Money Lenders Act. The crime was registered on the basis of a complaint filed by the 3rd respondent herein.

2. In the complaint, it was alleged that through two persons namely, Shibu and Mukundan, he had borrowed the amount from the petitioner and by way of security, the sale deed in respect of the property of the wife of the 3rd

respondent was executed in favour of the petitioner. It is alleged that as against the terms and conditions between the parties, the property was not re-conveyed; whereas, the same was sold out by the petitioner to somebody.

3. Heard learned counsel for the petitioner and learned Public Prosecutor. The statement filed by the investigating officer has been perused.

4. At this stage, it is too premature to decide whether an offence under Section 420 IPC as well as the offence under Section 3 read with Section 17 of the Kerala Money Lenders Act are made out or not. At this stage, under Section 482 Cr.P.C., this Court cannot go into the merits of the matter. At the same time, it seems that it is a warrant trial and, therefore, the petitioner has an opportunity before the court below to challenge the matter while dealing with the matter under Sections 239 and 240 Cr.P.C. The petitioner can approach the court below with such application and in such case, the court below shall dispose

of the application in accordance with law, after giving an opportunity of being heard to the petitioner and the prosecution.

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

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/01/09

// True Copy //

PA to Judge