

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

Crl.MC.No. 3134 of 2015

**CC 47/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KUNNAMKULAM.
CRIME NO. 1674/2013 OF PERAMANGALAM POLICE STATION, THRISSUR.**
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PETITIONER(S)/A1 & A2:

- 1. SREENIVASAN, AGED 52, S/O.RAGHAVAN,
KANDARASSERY HOUSE, BABY ROAD,
MANATHALA VILLAGE, CHAVAKKAD,
THRISSUR DISTRICT.**
- 2. VISHWAMBARAN, AGED 55, S/O.RAGHAVAN,
KANDARASSERY HOUSE, BABY ROAD,
MANATHALA VILLAGE, CHAVAKKAD,
THRISSUR DISTRICT.**

**BY ADVS.SRI.HRITHWIK
SRI.SHAJIN S.HAMEED**

RESPONDENT(S)/STATE, CW1 & CW2:

- 1. STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
PERAMANGALAM POLICE STATION,
REPRESENTED THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SHABU, AGED 41, S/O.VELAYUDHAN,
ODATTIL VEEDU, PONNOR DESOM,
EDAKULATHOOR VILLAGE, THRISSUR DISTICT,
PIN CODE:680 552.**
- 3. RAJESH, AGED 34, S/O.RAJAN,
PARAPPURATHU VEEDU, PUTHUR DESOM,
KAIPARAMBU VILLAGE, THRISSUR DISTRICT,
PIN CODE-680 546.**

**R1 BY PUBLIC PROSECUTOR SMT.SREENA GEORGE
R2 & R3 BY ADV. SRI.P.RAMACHANDRAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE A :** CERTIFIED COPY OF THE FIR IN CRIME NO.1674/2013 OF PERMANGALAM POLICE STATION ALONG WITH COMPLAINT.
- ANNEXURE B :** CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.1674/2013 OF PERAMANGALAM POLICE STATION.
- ANNEXURE C :** PHOTOCOPY OF THE JUDGMENT IN WPC.NO.16804/2013 DATED 12-7-2013 OF THIS HONOURABLE COURT.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

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B. KEMAL PASHA, J.

.....
Crl.M.C. No.3134 of 2015

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Dated this the 7th day of September, 2015

ORDER

The matter involves allegedly a breach of contract of brokerage. The liability, if any subsisting, seems to be almost of a civil nature. In fact, the court below, ought not to have referred the matter to the police under Section 156(3) Cr.P.C. If at all there is a breach of contract, the parties could have resorted to civil proceedings for realisation of amounts, if any, based on the breach of contract. Instead of that, a criminal prosecution has been resorted to. On going through the entire matter and on hearing either side, this Court is satisfied that the matter is not liable to be proceeded with as it will be a sheer waste of time. Annexure B final report and all further proceedings against the petitioners in C.C.No.47 of 2014 of the Judicial First Class

Magistrate's Court, Kunnankulam is liable to be quashed.

In the result, this Crl.M.C. is allowed and Annexure B final report and all further proceedings in C.C.No.47 of 2014 of the Judicial First Class Magistrate's Court, Kunnankulam are hereby quashed.

B.KEMAL PASHA, JUDGE.

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