

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

Crl.MC.No. 1984 of 2014 ()

IN CC 140/2011 of C.J.M.,THRISSUR

PETITIONER(S)/ACCUSED:

**M.J.ANTO
S/O.M.A.JOHNY, MENACHERY HOUSE, MARATHAKKARA
KANAKKASSERY, THRISSUR DISTRICT
FORMERLY PRESIDENT OF THRISSUR DISTRICT CONSTRUCTION
CO-OPERATIVE SOCIETY LTD.NO.R 825
THRISSUR.**

**BY ADVS.SRI.P.SANTHOSH (PODUVAL)
SMT.R.RAJITHA
SRI.K.D.SREEVISAKH**

RESPONDENT(S)/RESPONDENTS/STATE :

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

**2. THRISSUR DISTRICT CO-OPERATIVE BANK LTD
THRISSUR REP. BY ITS GENERAL MANAGER
THRISSUR - 680001.**

**R2 BY ADV. SRI.C.A.MAJEED, SC, THRISSUR DISTRICT CO.OP. BANK
R1 BY PUBLIC PROSECUTOR SMT. P. MAYA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 19-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1984 of 2014 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE-A: CERTIFIED COPY OF FIR IN CRIME NO.V.C. 5/2008 OF VIGILANCE
& ANTI CORRUPTION BUREAU, THRISSUR.**

**ANNEXURE-B: CERTIFIED COPY OF CHARGE SHEET IN CRIME V.C. 5/08 OF
VIGILANCE& ANTI CORRUPTION BUREAU, THRISSUR**

**ANNEXURE-C: TRUE COPY OF THE LETTER DATED 16.6.07 ISSUED BY THE 2ND
RESPONDENT BANK TO THE VIGILANCE DY.S.P., THRISSUR**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PATO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 1984 of 2014

Dated this the 19th day of March, 2015.

O R D E R

The petitioner herein is the accused in a crime initially registered under the Prevention of Corruption Act by the Vigilance and Anti Corruption Bureau, Thrissur. After investigation, the vigilance found that this is not a case involving any act of corruption. Accordingly, the final report was submitted in court under Section 408 IPC. As the petitioner could not appear in court promptly, the case happened to be transferred to the register of long pending cases. The case initially filed as C.C No.140 of 2011 in the court of the Chief Judicial Magistrate, Thrissur is now pending as L.P.R 20 of 2012. The petitioner seeks orders quashing the prosecution against him on the ground that the entire dispute stands settled, and that he has already remitted the entire amount due to the bank. The second respondent herein is the General Manager of the Thrissur District Co-operative Bank

who initiated prosecution. The learned counsel for the second respondent submits that the Bank has no objection in quashing the prosecution as against the petitioner. The learned counsel submits that the Bank has received the entire amount due from the petitioner. The Annexure C proceeding of the Bank shows that the Bank had decided to withdraw from prosecution long back. But due to some administrative reasons the Bank Manager could not give it in writing before court. Anyway I am well satisfied that the dispute stands practically and fully settled. The Bank does not have any grievance now, and the Bank does not want to prosecute the matter. In such a circumstance, applying the guidelines issued by the Hon'ble Supreme Court, this prosecution can be quashed.

In the result, this petition is allowed. The prosecution against the petitioner herein in CC No.140 of 2011 which stands now transferred to the register of long pending cases as L.P.R No.20 of 2012 before the Chief Judicial Magistrate Court, Thrissur will stand quashed under Section 482 Cr.P.C.

P.UBAID,
JUDGE