IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 16TH DAY OF JUNE 2015/26TH JYAISHTA, 1937

Crl.MC.No. 3400 of 2015

CC 299/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II,THAMARASSERY
CRIME NO. 443/2012 OF MUKKOM POLICE STATION , KOZHIKODE

PETITIONER(S)/ACCUSED 1 & 2:

1. ABDUL KHADER.K, S/O.KODAKKOT MOIDHEEN KUTTY, MALAYAMMA P.O., MUKKUM, KOZHIKODE-673001.

2. ABDUL GAFOOR.K., S/O.KODAKKOT MOIDHEEN KUTTY, MALAYAMMA P.O., MUKKUM, KOZHIKODE-673001.

BY ADV. SRI.NIRMAL. S

RESPONDENT(S)/COMPLAINANT & STATE:

1. STATE OF KERALA, REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682031.

2. SHAHUL HAMEED, S/O.K.T.MUHAMMED HAJI, KURICHANGAL, P.O.MALAYAMMA (VIAREC), KOZHIKODE-673001. (MANAGING PARTNER LAVANYA ELECTRICALS & HOME APPLIANCE, MUKKOM).

R1 BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 16-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

PJ

Crl.MC.No. 3400 of 2015

APPENDIX

PETITIONERS' ANNEXURES

A1: COPY OF THE FIR NO.443/2012 DATED 3/12/12

A2: COPY OF THE FINAL REPORT NO.439/2012 DATED 1/12/12

A3: CERTIFIED COPY OF THE COMPLAINANT IN C.C.299/13 DATED 28/1/13.

RESPONDENTS' ANNEXURE

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K.ABRAHAM MATHEW J.

Crl.M.C. No. 3400 OF 2015

Dated this the 16th day of June, 2015

ORDER

Petition filed under Section 482 Cr.P.C.

2. The petitioners are accused in C.C.No.299 of 2013 on the file of the Judicial Magistrate of the First Class-II, Thamarassery. They are charged with having committed the offences under Sections 417, 419, 420, 465, 468 and 473 read with 34 IPC. The request is to quash the proceedings in the criminal case on the ground that the dispute is purely of a civil nature and the allegations do not constitute any offence.

3. Heard .

4. At the hearing it was submitted that the petitioners filed an application for their discharge in the trial court and that has now been dismissed. The remedy is to file a revision challenging the correctness of the order. The proceedings cannot be quashed under Section 482 Cr.P.C.

In the result, this Crl.M.C. is dismissed.

Sd/-
K.ABRAHAM MATHEW
JUDGE

cms

/True copy/ P.S.to Judge