

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 4TH DAY OF SEPTEMBER 2015/13RD BHADRA, 1937

Crl.MC.No. 4688 of 2015 ()

CC 547/2009 of JUDICIAL FIRST CLASS MAGISTRATE COURT -I, NEYYATINKARA

PETITIONER/3RD ACCUSED :

**ANILKUMAR, AGED 36 YEARS,
S/O VISWAMBHARA PANICKER, PROPRIETOR, S.R. AIR TRAVELS,
KATTAKADA, RESIDING ATACHU NIVAS, PONARA DESOM,
ETTURUTHI MURIKULATHUMMAL VILLAGE, KATTAKADA TALUK,
THIRUVANANTHAPURAM DISTRICT**

BY ADV. SRI.G.SUDHEER

RESPONDENTS/STATE & DEFACTO COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM**
- 2. FRANCIS, S/O KUMARU NADAR,
'SREE NILAYAM', KOLLAMKONAM, PARACHAL DESOM,
KULATHUMMAL VILLAGEKURUTHAMCODE P.O.,
PIN 695 572**

R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 04-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

Crl.MC.No. 4688 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A: CERTIFIED COPY OF FIR AND COMPLAINT IN CRIME
NO, 132/09 OF ARYNCODE POLICE STATION DT. 6/5/09**

**ANNEXURE B: CERTIFIED COPY OF THE FINAL REPORT SUBMITTED BY THE
SUB INSPECTOR OF POLICE, ARYANCODE POLICE STATION
BEFORE THE JFCM COURT-1, NEYYATTINKARA**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

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B.KEMAL PASHA, J.

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Crl.M.C. No. 4688 of 2015

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Dated this the 4th day of September, 2015

O R D E R

Petitioner is the 3rd accused in C.C.No.547/2009 of the Judicial First Class Magistrate's Court-I, Neyyattinkara in Crime No.132/2009 of the Aryancode Police Station, for the offence punishable under Section 420 read with Section 34 IPC.

2. The prosecution case is that the de facto complainant was cheated by offering a job VISA to Dubai and he was taken over there by A1 and A2. Instead of issuing a job VISA, it seems that a visiting VISA was arranged, and he was offered by A1 and A2 that he would be provided with a job on reaching there. The allegation against the petitioner is that it was he who issued the air ticket on obtaining the charge for the air ticket. The petitioner is conducting a travel agency.

3. Apart from arranging the air ticket for the travel of the de facto complainant to Dubai, it seems that there is no

allegation against the petitioner that he had made any offer to the de facto complainant that he would be provided with a job. Arranging air ticket by a travel agency cannot be categorized as an offence.

4. Considering the facts and circumstances of the case, and allegations against the present petitioner, there is not even a remote possibility to rope him in an offence under Section 420 IPC. Matters being so, the proceedings against the petitioner is liable to be quashed.

In the result, this Crl.M.C is allowed and the proceedings in C.C.No.547/2009 of the Judicial First Class Magistrate's Court-I, Neyyattinkara, so far as it relates to the petitioner, are quashed.

Sd/-
B.KEMAL PASHA, JUDGE

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