

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937H

Crl.MC.No. 5806 of 2015 ()

PETITIONER(S):

DR. V. BALAKRISHNAN,
S/O.SANKARANKUTTY, SALINI, POOTHOLE
THRISSUR.

BY ADV. SRI.MAHESH V.MENON

RESPONDENT(S):

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

2. BADHARUNNIZA
D/O.KHALEELU RAHMAN, RAYAMMARKKARR HOUSE
PERUVALLOR P.O., THRISSUR-682 301.

BY PUBLIC PROSECUTOR SRI. R. GITHESH

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
21-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CrI.MC.No. 5806 of 2015

APPENDIX

ANNEXURES

- A1- ORDER OF THE FORUM IN CC.609 OF 2012
- A2- PETITION FILED BY R2 BEFORE THE FORUM
- A3- WARRANT ISSUED BY THE FORUM AGAINST THE PETITIONER

TRUE COPY

P.S TO JUDGE

RAJA VIJAYARAGHAVAN.V. J

Crl.M.C.5806 of 2015

Dated 21st August, 2015

ORDER

1. The petitioner is before this Court challenging Annexure-A3 warrant issued against him by the District Consumer Disputes Redressal Forum, Ayyanthole, Thrissur, in a proceeding initiated by the 2nd respondent against the Principal, School of Nursing, Metropolitan Health Care Private Ltd, Thrissur. The grievance of the petitioner is that Annexure-A3 warrant u/s 70 of the Cr.P.C r/w 27 of the Consumer Protection Act has been issued as against him.

2. According to the learned counsel appearing for the petitioner, the petitioner is merely a doctor in the Metropolitan Health Care Private Ltd and he is

not the Principal of the said institution. The limited prayer of the petitioner is to permit him to appear before the concerned forum so as to convince the forum with regard to the error that has crept in the warrant. According to the learned counsel, the Sub Inspector of police, Town East police station, has been directed to arrest the petitioner and produce him before the forum on 1.9.2015 which is unwarranted. It is to be noticed that the respondent in the case as revealed from Annexure-A1, is the Principal, School of Nursing, Metropolitan Health Care Private Ltd, Thrissur. If that be the case, issuance of Annexure-A3 warrant against the petitioner is not justified, as the petitioner is not the Principal.

3. In view of the above, Annexure-A3 is quashed. Petitioner can approach the District Consumer

Disputes Redressal Forum, Ayyanthole, Thrissur, and appraise the Forum the relevant facts. The Forum shall pursue with the execution proceedings as against the respondent in the complaint, in accordance with law.

Crl.M.C is disposed of as above.

Sd/-

RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

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