

IN THE HIGH COURT OF KERALAAT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

Crl.MC.No. 6087 of 2015 ()

CC 1371/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, PIRAVOM
CRIME NO. 147/2008 OF MULANTHURUTHY POLICE STATION , ERNAKULAM

PETITIONER(S):

ABRAHAM MATHAI
S/O.MATHAI, PARAPALIL, PERIYAPURAM
ONAKOOR, PIRAVAM.

BY ADV. SRI.T.RAJESH

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA.
2. STATE BANK OF TRAVANCORE
ASSET DIVISIONAL MANAGER, MULANTHURUTHY BRANCH.

R2 BY ADV. SRI.SATHISH NINAN
R BY PUBLIC PROSECUTOR SMT.MAYA
R BY SRI.SANTHOSH MATHEW

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
16-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE I- A TRUE COPY OF THE ORIGINAL APPLICATION FILED AS O.A.NO.91 OF 2008 BY THE 2ND RESPONDENT BEFORE THE DEBT RECOVERY TRIBUNAL.

ANNEXURE II- THE TRUE COPY OF THE COMPLAINT FILED BY THE 2ND RESPONDENT BEFORE THE SUB INSPECTOR OF POLICE MULATHURUTHY.

ANNEXURE III- A TRUE COPY OF THE FIR IN CRIME NO.147 OF 2008.

ANNEXURE IV- A TRUE COPY OF THE FINAL REPORT SUBMITTED BY THE INVESTIGATING OFFICER.

ANNEXURE V- A TRUE COPY OF THE LETTER DATED 19.12.2012 ISSUED BY THE ASSISTANT GENERAL MANAGER OF THE 2ND RESPONDENT BANK.

RESPONDENT(S)' EXHIBITS : NIL

// True Copy //

PA to Judge

B. KEMAL PASHA, J.

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Crl.M.C. No.6087 of 2015 G
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Dated this the 16th day of October, 2015

ORDER

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Petitioner is the accused in CC No.1371/2014 of the Judicial First Class Magistrate's Court, Piravom for the offences punishable under Sections 420 and 416 IPC, which has arisen from Crime No.147/2008 of Mulanthuruthy Police Station. The matter relates to a money transaction with the State Bank of India, Mulanthuruthy Branch for ₹33,00,000/-. According to the petitioner, he has paid the entire amounts due to the Bank towards the loan transaction and has cleared the liability. There was proceedings at the Debt Recovery Tribunal, Ernakulam against the petitioner as OA.91/2008.

2. The 2nd respondent State Bank of Travancore has issued Annexure-V certificate stating that the transaction involved in OA.91/2008 before the Debt Recovery Tribunal has been fully settled under the compromise arrangement scheme on 31.08.2011. The Bank has received the entire amounts from

the petitioner and all the documents were returned. The Bank has filed another statement before this Court stating that the Bank has no objection in allowing this CrI.M.C. When the matter relates to a money transaction and the matter has been amicably settled between the parties and the entire amounts due to the 2nd respondent has paid by the petitioner, this Court is of the view that no fruitful purpose would be served in proceeding with the matter further.

In the result, this CrI.M.C. is allowed and Annexure-IV final report and all further proceedings in CC No.1371/2014 of the Judicial First Class Magistrate's Court, Piravom, which has arisen from Crime No.147/2008 of Mulanthuruthy Police Station, are quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/16/10

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PA to Judge