

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

Crl.MC.No. 6293 of 2015 ()

**OS.NO. 139/2015 OF MUNSIF COURT, KOYILANDY
CRIME NO. 338/2015 OF BALUSSERRY POLICE STATION, KOZHIKODE DISTRICT**

PETITIONERS/ACCUSED:

1. **ABDUL BASHEER PUTHUPPADY,
S/O. LATE U.K.ALIKUTTY HAJI, AGED 42 YEARS,
UMMINIKUNNEMMEL HOUSE,
UNNIKULAM P.O., POONOR, KOZHIKODE.**
2. **ASHRAF ALI M.P., AGED 41 YEARS, S/O. AHAMMED HAJI,
MADATHUMPOYIL HOUSE, UNNIKULAM P.O.,
POONOR, KOZHIKODE.**
3. **SAUDHA JALEEL, AGED 35 YEARS,
W/O. ABDUL JALEEL, UMMINIKUNNEMMEL HOUSE,
UNNIKULAM P.O., POONOR, KOZHIKODE.**

BY ADV. SRI.R.ABDUL AHAD

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. P.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 6293 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEX A- TRUE COPY OF F.I.R. IN CRIME NO. 338/2015 BALUSSERRY POLICE STATION, KOZHIKODE DISTRICT DATED 01-06-2015.**
- ANNEX B- TRUE COPY OF THE AGREEMENT DATED 02-10-2013 BETWEEN ABDUL JALEEL AND DEFACTO COMPLAINANT.**
- ANNEX C- TRUE COPY OF THE ORDER IN I.A.NO. 513/2015 IN O.S.NO. 139/2015 BEFORE THE HONOURABLE MUNSIFF'S COURT, KOYILANDY DATED 08-04-2015.**
- ANNEX D- TRUE COPY OF THE PETITION FILED BY THE 1ST PETITIONER BEFORE THE SUPERINTENDENT OF POLICE, KOZHIKODE (RURAL) AND THE RECEIPT THEREON DATED 02-06-2015.**

RESPONDENT(S)' ANNEXURES: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

B. KEMAL PASHA, J.

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Crl.M.C. No.6293 of 2015 G
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Dated this the 7th day of October, 2015

ORDER

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Petitioners are the accused in Crime No.338/2015 of the Balussery Police Station registered for the offences punishable under Sections 420, 468, 471 and 447 read with Section 34 IPC. The allegation against the petitioners is that they have forged an agreement and forged the signature of the de facto complainant in it and thereafter, filed a civil suit before the civil court on the basis of such an agreement and procured an order of temporary injunction against the de facto complainant. It is also alleged that under the guise of such an order, they have trespassed into the property of the de facto complainant and put up a compound wall. According to the petitioners, the matter is of civil nature and, therefore, any investigation need not be conducted in such a case, and the proceedings

against the petitioners are liable to be quashed.

2. On going through the specific allegations, this Court does not think that the matter is only of a civil nature. Very serious allegations are levelled against the petitioners. The matter has to be thoroughly investigated. It is too premature to consider the merit or otherwise of the allegations levelled against the petitioners. On investigation, the petitioners can challenge the final report in the matter, if aggrieved.

With the said liberty to the petitioners, this CrI.M.C. is closed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/07/10

// True Copy //

PA to Judge