

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937

Crl.MC.No. 6444 of 2015

**CC 1328/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, MATTANCHERY.
CRIME NO. 671/2014 OF FORT KOCHI POLICE STATION, ERNAKULAM.**
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PETITIONER 1-3/ACCUSED 1 & 3:

**SAJEEVAN, S/O.DINAKARAN,
AGED 49 YEARS, CC 10/641 B,
AMARAVATHY, FORT KOCHI, PIN - 682001.**

**BY ADVS.SRI.KARTHIK S. ACHARYA
SRI.C.R.SANISH**

RESPONDENT(S)/STATE AND DE FACTO COMPLAINANT:

- 1. STATE OF KERALA, REPRESENTED BY
SUB INSPECTOR OF POLICE,
FORT KOCHI POLICE STATION,
(INVESTIGATING OFFICER IN CRIME NO 671/2014 OF
FORT KOCHI POLICE STATION)ERNAKULAM,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
COCHIN - 682031.**
- 2. GEORGE @ JACKSON, AGED 33 YEARS,
S/O.JOSEPH, RESIDING AT MALIYEKKAL HOUSE,
PATTALAM FORT KOCHI, KOCHI TALUK,
ERNAKULAM DISTRICT, PIN - 682001.**
- 3. ARUN, AGED 46 YEARS, S/O.RAMACHANDRAN,
CC-X/467 BHAGAVATHYPARAMBU AMARAVATHY,
FORT KOCHI, KOCHI TALUK,
ERNAKULAM DISTRICT, PIN - 682001.**
- 4. ROCKY V X, AGED 69 YEARS, S/O.XAVIER, CC 4/1469A,
ADHIKARIVALAPPU, FORT KOCHI, KOCHI TALUK,
ERNAKULAM DISTRICT, PIN - 682001.**

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE
R2 TO R 4 BY ADV. SRI.RENJITH THOMAS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 11-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE A1:-** CERTIFIED COPY OF THE FIRST INFORMATION REPORT DTD 12/5/2014 IN CRIME NO 671/2014 OF FORT KOCHI POLICE STATION.
- ANNEXURE A2:-** AFFIDAVIT SWEARS AND SIGNED BY THE 2ND RESPONDENT/DE FACTO COMPLAINANT IN CRIME NO 671/2014 OF FORT KOCHI POLICE STATION STATING THAT THE PETITIONER/ACCUSED IS NOT INVOLVED IN THE INCIDENT AND THEIR NAMES ARE HAPPENED TO BE INCLUDED DUE TO MISTAKE OF IDENTITY AND MISTAKE OF FACTS.
- ANNEXURE A3:-** AFFIDAVIT SWEARS AND SIGNED BY THE 3RD RESPONDENT/CW2 IN CRIME NO 671/2014 OF FORT KOCHI POLICE STATION, STATING THAT THE PETITIONER /ACCUSED IS NOT INVOLVED IN THE INCIDENT AND THEIR NAMES IS HAPPENED TO BE INCLUDED UDE TO MISTAKE OF IDNTITY AND MISTAKE OF FACTS.
- ANNEXURE A4:-** AFFIDAVIT SWEARS AND SIGNED BY THE 4TH RESPONDENT/CW3 IN CRIME NO 671/2014 OF FORT KOCHI POLICE STATION STATING THAT THE PETITIONER/ACCUSED IS NOT INVOLVED IN THE INCIDENT AND THEIR NAMES IS HAPPEND TO BE INCLUDED DUE TO MISTAKE OF IEDNTITY AND MISTAKE OF FACTS.
- ANNEXURE A5:-** CERTIFIED COPY OF FINAL CHARGE DTD 18/9/2014 SUBMITTED BY THE FIRST RESPONDENT AFTER COMPLETING INVESTIGATION IN CRIME NO 671/2014 OF FORT KOCHI POLICE STATION.

RESPONDENT(S)' ANNEXURES: NIL

//TRUE COPY//

P.S. TO JUDGE

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B. KEMAL PASHA, J.

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Crl.M.C. No.6444 of 2015 A
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Dated this the 11th day of November, 2015

ORDER

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Petitioner is the accused in CC No.1328/2015 of the Judicial First Class Magistrate's Court, Mattanchery, which has arisen from Crime No.671/2014 of Fort Kochi Police Station for the offences punishable under Section 506(i) read with Section 34 IPC, Section 3 read with Sections 17, 18A(5) & 6A of the Kerala Money Lenders Act, 1958 and Section 9(a) read with Section 3 of the Kerala Prohibition of Charging of Exorbitant Interest Act, 2012.

2. It seems that the matter has been amicably settled between the petitioner and the de facto complainant, who is the 2nd respondent herein.

3. Respondents 2, 3 and 4 have filed Annexures-A2, A3 and A4 affidavits affirming that the matter has been amicably settled between them and the petitioner and

presently, they have no complaints against the petitioner. No criminal antecedents have been reported against the petitioner. No purpose would be served in proceeding with the matter further. Matters being so, all further proceedings against the petitioner in CC No.1328/2015 of the Judicial First Class Magistrate's Court, Mattanchery, which has arisen from Crime No.671/2014 of Fort Kochi Police Station, can be quashed.

In the result, this Crl.M.C. is allowed and all further proceedings against the petitioner in CC No.1328/2015 of the Judicial First Class Magistrate's Court, Mattanchery, which has arisen from Crime No.671/2014 of Fort Kochi Police Station, are quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/11/11

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PA to Judge