

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

Crl.MC.No. 5551 of 2013 ()

CRIME NO. 1693/2013 OF PATHANAMTHITTA POLICE STATION , PATHANAMTITTA

PETITIONER/ACCUSED:

RENJAN, AGED 49 YEARS,
S/O.MUTHAYYAN CHETTIAR, SREEMANGALATHU, THOTTUPURAM,
PRAKKANAM PO, CHENNERKKARA, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.C.P.PEETHAMBARAN

RESPONDENT/STATE:

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

BY PUBLIC PROSECUTOR SMT. JASMINE

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
11-02-2015 ALONG WITH CRL.MC. 5552/2013, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Crl.MC.No. 5551 of 2013 ()

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1:- COPY OF THE FIR IN CRIME NO.1693/2013 OF PATHANAMTHITTA POLICE STATION.

ANNEXURE A2:- COPY OF THE ORDER DATED 30/8/2013 IN CRL.MC NO.3660/2013 OF THIS HON'BLE COURT.

ANNEXURE A3;- COPY OF THE ORDER DATED 27/9/2013 IMN CRL.MC NO.3386/2013 OF THIS HON'BLE COURT.

ANNEXURE A4:- COPY OF LAWYER NOTICE DATED 30/9/2013 ISSUED BY ADVOCATE BINDU N.RAJAN ON BEHALF OF SASIDHARAN.

ANNEXURE A5:- COPY OF COMPLAINT IN CMP NO.4848/2013 FILED BY SASIDHARAN BEFORE THE CHIEF JUDICIAL MAGISTRATE COURT, PATHANAMTHITTA.

ANNEXURE A6:- COPY OF THE ORDER DATED 2.12.2013 IN BAIL APPLICATION NO.7811/2013 OF THIS HON'BLE COURT.

RESPONDENT'S ANNEXURES: NIL

/TRUE COPY/

P.S. TO JUDGE

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K. RAMAKRISHNAN, J.

.....
Crl.M.C.Nos.5551 & 5552 of 2013

.....
Dated this the 11th day of February, 2015.

O R D E R

The petitioner in both the cases has filed the above petitions to quash Annexure-A1 First Information Report in both the cases under section 482 of the Code of Criminal Procedure.

2. The common case of the petitioner in both the petitions was that the Sub Inspector of Police, Pathanamthitta police station had filed Annexure-A1 First Information Report in each case namely Crime No.1693/2013 of Pathanamthitta police station against the petitioner in Crl.M.C.No.5551/2013 and Crime No.1694/2013 of Pathanamthitta police station against the petitioner in Crl.M.C.No.5552/2013 before Sub Divisional Magistrate, Adoor requesting to initiate proceedings under section 107 of the Code of Criminal Procedure against the petitioner in both the cases. The case of the petitioner in both the cases was that those allegations are not sufficient to initiate proceedings against him and most of the offences alleged are false and as such, they have no other option except

to approach this Court seeking the following reliefs in each petitions.

Crl.M.C.No.5551/2013:

For these and other grounds that may be urged at the time of hearing, it is humbly prayed that this Hon'ble court may be pleased to quash all further proceedings in pursuance of Annexure-A1 FIR in Crime No.1693/2013 of Pathanamthitta Police Station, Pathanamthitta District, pending before Sub Divisional Magistrate Court, Adoor, so as to secure the ends of justice.

Crl.M.C.No.5552/2013:

For these and other grounds that may be urged at the time of hearing, it is humbly prayed that this Hon'ble court may be pleased to quash all further proceedings in pursuance of Annexure-A1 FIR in Crime No.1694/2013 of Pathanamthitta Police Station, Pathanamthitta District, pending before Sub Divisional Magistrate Court, Adoor, so as to secure the ends of justice.

3. The respondent filed a counter stating that the petitioner in both the cases has involved in unauthorised money lending and also harassing persons demanding exorbitant interest, which is punishable under the provisions of the Kerala Prohibition of Charging Exorbitant Interest Act, 2012 and also

other offences and the petitioner cannot be prevented from committing such illegal activities but the Sub Divisional Magistrate is yet to start the proceedings under section 107 of the Code of Criminal Procedure and bond has to be executed to prevent him from committing similar type of offences. After his approach to the High Court for quashing of further proceedings under section 107 of the Code of Criminal Procedure, another case of similar nature was also registered against him. So he prayed for dismissal of the application.

4. Heard both sides.

5. The counsel for the petitioner in both the cases submitted that there was no such case as mentioned in the First Information Report and the documents produced by him will go to show that most of the cases alleged were settled. Further, when the Sub Inspector of Police, Pathanamthitta started harassment, the petitioner in both the cases filed a petition before this Court against police harassment as W.P.(C) No.20597/2013 and they have submitted that they have only registered crimes. It was on that basis that both the petitioner has filed these petitions.

6. On going through the allegations in the First

Information Report, this Court feels that it is too early for this Court to quash the proceedings. Whether on the basis of the request made by the Sub Inspector by virtue of Annexure-A1 First Information Report in these cases proceedings under section 107 of the Code of Criminal Procedure have to be initiated or not has to be considered by the Sub Divisional Magistrate and only then right of the petitioner to challenge the same will arise. So this Court feels that it is not proper to quash Annexure-A1 First Information Report in both the cases at this stage. On the basis of the allegations in Annexure-A1 First Information Report, without considering the materials, if the Sub Divisional Magistrate initiates proceedings under section 107 of the Code of Criminal Procedure, then right of the petitioner to approach this Court is not barred by disposing of these petitions.

7. With the above observations, both the petitions are disposed of. If any proceedings have been initiated under section 107 of the Code of Criminal Procedure on the basis of Annexure-A1 First Information Report against the petitioner in both the cases, then the petitioner is at liberty to move this Court to quash the proceedings, if he is so advised.

Interim order of stay granted as per Crl.M.A.Nos.9626/2013 in Crl.M.C.No.5551/2013 and 9629/2013 in Crl.M.C. 5552/2013 is vacated and both the petitions are dismissed.

Office is directed to communicate a copy of this order to the concerned court immediately.

Sd/-

K. RAMAKRISHNAN, JUDGE.

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/true copy/

P.S to Judge

