

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

Crl.MC.No. 6898 of 2015 ()

**CC. NO.277/2015 OF ADDL. CHIEF JUDICIAL MAGISTRATE COURT, (E&O),
ERNAKULAM.**

CRIME NO. 559/2015 OF ERNAKULAM TOWN SOUTH POLICE STATION.

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PETITIONERS/ACCUSED:

- 1. RASHEED, AGED 44 YEARS,
S/O.ABUBACKER, VELLEKKATTU HOUSE,
PERUMANNUR, ERNAKULAM VILLAGE.**
- 2. MOHAMMED. K.V., AGED 55 YEARS,
S/O.KUNHUMMED, 18/5 UMERKHADI,
CROSS LANE, MUMBAI-400 009.**
- 3. JOSE JACOB, AGED 62 YEARS,
S/O. JOSEPH, THARAPPEL PURA, UZHAVOOR. P.O,
PIN-686 634, PERUMITHANAM, KOTTAYAM.**

**BY ADVS.SRI.T.B.GAFOOR,
SRI.A.E.ALIYAR.**

RESPONDENT/STATE/DEFACTO COMPLAINANT/CW1:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
ERNAKULAM TOWN SOUTH POLICE STATION,
ERNAKULAM-682 013.**
- 3. SEBASTIAN THOMAS, AGED 65 YEARS,
S/O.THOMAS, PEEDIKAMALAYIL, RAMAPURAM,
KADANADU VILLAGE, KADANADU. P.O, KOTTAYAM-686 653.**

**R1 & R2 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.
R3 BY ADV. SRI.DILEEP D.BHAT**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 02-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

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| ANNEXURE A1 | CERTIFIED COPY OF THE FIR AND F.I.S. ON THE FILE OF ADDL. CHIEF JUDICIAL MAGISTRATE COURT(E.O), ERNAKULAM IN CRIME NO.559/2015 OF ERNAKULAM TOWN SOUTH POLICE STATION). |
| ANNEXURE-A2 | CERTIFIED COPY OF THE AFFIDAVIT FILED BEFORE THE ADDL. CHIEF JUDICIAL MAGISTRATE COURT. |
| ANNEXURE-A3 | TRUE COPY OF THE BAIL ORDER OF THE ADDL. CHIEF JUDICIAL MAGISTRATE. |
| ANNEXURE-A4 | TRUE COPY OF FINAL REPORT SUBMITTED BY THE 2ND RESPONDENT IN CRIME NO.559/2015 OF ERNAKULAM TOWN SOUTH POLICE STATION. |

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

B.KEMAL PASHA, J.

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Crl.M.C. No. 6898 of 2015

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Dated this the 2nd day of November, 2015

ORDER

The petitioners are the accused in C.C.No.277 of 2015 of the Additional Chief Judicial Magistrate's Court (Economic Offences), Ernakulam, which has arisen from Crime No.559 of 2015 of the Ernakulam Town South Police Station, for the offences under Section 420 read with Section 34 IPC and Section 10 read with Sections 24(1) (a) and (b) of the Emigration Act.

2. The allegation against the petitioners is that they had conducted a recruiting agency without any licence or authorisation and induced the defacto complainant to pay an amount of ₹1,64,000/- for procuring a Visa. After obtaining the amount, they allegedly cheated and defrauded the defacto complainant and did not care to issue the Visa.

3. Presently the matter has been amicably settled between

the parties. An amount of ₹1,70,000/- was paid by the petitioners to the defacto complainant. On obtaining the amount, the defacto complainant has filed Annexure-A2 affidavit affirming that he has no complaints against the petitioners. Apart from the said allegation that such an amount was received from the defacto complainant, no other allegations are there against the petitioners. According to the petitioners, they have not conducted any recruitment agency. On going through the matter, this Court is of the view that since the matter has been amicably settled between the parties, no purpose would be served in proceeding with the matter any further. Therefore, all further proceedings in C.C.No.277 of 2015 of the of the Additional Chief Judicial Magistrate's Court (Economic Offences), Ernakulam, based on Annexure-A4 Final Report in Crime No.559 of 2015 of the Ernakulam Town South Police Station, can be quashed.

In the result, this Crl.M.C. is allowed and all further proceedings in C.C.No.277 of 2015 of the of the Additional Chief

Judicial Magistrate's Court (Economic Offences), Ernakulam,
based on Annexure-A4 Final Report in Crime No.559 of 2015 of
the Ernakulam Town South Police Station are hereby quashed.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/2/11/15

// True Copy //

P.A. To Judge