

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. 7035 of 2015

**C.C.NO.1328/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
MATTANCHERRY**

PETITIONER(S)/ACCUSED 2 & 3 :

- 1. ANILKUMAR, AGED 51 YEARS,
S/O.VELAPPAN, RESIDING AT C.C.10/1657,
KANAKKANPARAMBIL HOUSE, AMARAVATHI, FORT KOCHI,
PIN - 682 001.**
- 2. THAHA, AGED 45 YEARS,
S/O.ALIKKUTTY, RESIDING AT MANALIPARAMBIL HOUSE,
KOMPARA MUKKU, MATTANCHERRY, PIN - 682 002.**

**BY ADVS.SMT.K.TRESA RANI GEORGE
SRI.P.ADAM AMBROSE**

RESPONDENT(S)/STATE & DEFACTO 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.**
- 2. GEORGE @ JACKSON, AGED 33 YEARS,
S/O.JOSEPH, RESIDING AT MALIYEKKAL HOUSE, PATTALAM,
FORT KOCHI, KOCHI TALUK, ERNAKULAM DISTRICT, PIN - 682 001.**
- 3. ARUN, AGED 46 YEARS,
S/O.RAMACHANDRAN, C.C.X/467, BHAGAVATHYPARAMBU,
AMARAVATHY, FORT KOCHI, KOCHI TALUK,
ERNAKULAM DISTRICT, PIN - 682 001.**

**R1 BY PUBLIC PROSECUTOR SMT.MAYA
R2 & R3 BY ADV. SRI.P.ASAJAN**

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

APPENDIX

PETITIONER(S)' ANNEXURES :

- A1: CERTIFIED COPY OF THE FIRST INFORMATION REPORT
DATED 12.05.2014 IN CRIME NO.671/2014 OF FORT KOCHI POLICE
STATION.**
- A2: CERTIFIED COPY OF FINAL CHARGE DATED 18.09.2014 SUBMITTED BY
THE 1ST RESPONDENT AFTER COMPLETING INVESTIGATION IN
CRIME NO.671/2014 OF FORT KOCHI POLICE STATION.**
- A3: AFFIDAVIT SWEARS AND SIGNED BY THE 2ND RESPONDENT/DEFACTO
COMPLAINANT IN CRIME NO.671/2014 OF FORT KOCHI POLICE STATION
STATING THAT THE PETITIONER/ACCUSED ARE NOT INVOLVED IN
THE INCIDENT AND THEIR NAMES ARE HAPPENED TO BE INCLUDED DUE
TO MISTAKE OF IDENTITY AND MISTAKE OF FACTS.**
- A4: 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 ARE HAPPENED TO BE INCLUDED DUE TO MISTAKE OF
IDENTITY AND MISTAKE OF FACTS.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B. KEMAL PASHA, J.

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Crl.M.C. No.7035 of 2015 D
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Dated this the 11th day of November, 2015

ORDER

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Petitioners are 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 petitioners and the de facto complainant, who is the 2nd respondent herein.

3. The 2nd and 3rd respondents have filed Annexures-A3 and A4 affidavits affirming that the matter has been amicably settled between them and the petitioners and

presently, they have no complaints against the petitioners. No criminal antecedents have been reported against the petitioners. No purpose would be served in proceeding with the matter further. Matters being so, all further proceedings against the petitioners 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 petitioners 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