

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937**

**Crl.MC.No. 6168 of 2013 ()**

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**CC. NO.880/2008 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,THRISSUR.**

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**PETITIONER/ACCUSED NO.6 IN C.C.NO.880/2008:-:**

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**B. SRIDHAR, S/O.BALAKRISHNAN,**  
**AGED 36 YEARS, KOUNDANYA HOUSE,**  
**POOTHOLE P.O., THRISSUR - 680 004.**

**BY ADVS.SRI.P.GOPAKUMARAN NAIR,**  
**SRI.C.S.DIAS,**  
**SRI.N.K.SUBRAMANIAN.**

**1ST RESPONDENT/COMPLAINANT IN C.C.NO.880/2008/**  
**2ND RESPONDENT/DE-FACTO COMPLAINANT:-:**

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- 1. STATE OF KERALA,**  
**REPRESENTED BY THE PUBLIC PROSECUTOR,**  
**HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
  - 2. K.K. GIRISH, S/O.KUMARAN, AGED 54 YEARS,**  
**KUMBALAPARAMBIL VEEDU, VELAN'S,**  
**KANIMANGALAM P.O., THRISSUR - 680 027.**

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD**  
**ON 06-10-2015, THE COURT ON THE SAME DAY PASSED THE**  
**FOLLOWING:**

**rs.**

**APPENDIX**

**PETITIONER'S ANNEXURES:-**

- ANNEXURE A.** CERTIFIED COPY OF THE CHARGE SHEET IN CRIME NO.275/2007 DATED 20.10.2007 OF THRISSUR EAST POLICE STATION.
- ANNEXURE B.** CERTIFIED COPY OF THE ORDER DATED 08/06/2012 IN M.P.NO.1224/2012 IN C.C.NO.880/2008 OF THE JUDL. FIRST CLASS MAGISTRATE'S COURT-I, THRISSUR.
- ANNEXURE C.** TRUE COPY OF FORM 32 ALONG WITH RESIGNATION LETTER DATED 28/06/2006 SUBMITTED BY THE PETITIONER TO THE REGISTRAR OF COMPANIES.
- ANNEXURE D.** TRUE COPY OF THE AGREEMENT DATED 25.09.2006 ENTERED BETWEEN THE THEN MANAGING DIRECTOR AND THE DIRECTORS OF THE COMPANY.
- ANNEXURE E.** TRUE COPY OF COMMON ORDER DATED 07.08.2009 PASSED BY THIS HON'BLE COURT IN CRL.M.C.NO.1039 OF 2009 ALONG WITH OTHER 11 CASES.
- ANNEXURE F.** TRUE COPY OF INTERIM ORDER DATED 11.11.2013 IN CRL.M.C.NO.5218 OF 2013 OF THIS HON'BLE COURT.

**RESPONDENT'S ANNEXURES:-** NIL.

**//TRUE COPY//**

**P.S. TO JUDGE**

**rs.**

**B.KEMAL PASHA, J.**

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CRL.M.C. No.6168 of 2013

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Dated this the 6<sup>th</sup> day of October, 2015

**ORDER**

The petitioner is the 6<sup>th</sup> accused in C.C.No.880 of 2008 of the Judicial First Class Magistrate's Court-I, Thrissur, which has arisen from Crime No.275 of 2007. The accused in the case is a Chitty Company, of which accused Nos. 2 to 6 were arraigned in the capacity as the Directors of the said Company. The date of offence involved in the case is 01.05.2007. The Final Report has been filed by alleging an offences punishable under Section 420 IPC read with Section 34 IPC.

2. The petitioner was made an accused in several other cases also relating to the Company, especially relating to the offence under Section 138 of the Negotiable Instruments Act. 12 such cases filed for the offence under Section 138 of the Negotiable Instruments Act as against the

petitioner were quashed by this Court vide order dated 07.08.2009 produced as Annexure E. It is the specific case of the petitioner that the petitioner had resigned from the Company on 28.06.2006. Annexure C issued by the Registrar of Companies clearly shows that the petitioner had ceased to be a Director of the Company with effect from 28.06.2006, on account of his resignation from the Company. It is not correct to say that the petitioner was responsible for the day to day affairs of the Company as on the date of the offence alleged in this case. This Court has time and again approved the fact that he had ceased to be a Director of the Company with effect from 28.06.2006. Matters being so, the petitioner cannot be held responsible for the offence committed by the Company and by the other Directors of the Company. Therefore, Annexure A Final Report and all further proceedings in C.C.No.880 of 2008 of the Judicial First Class Magistrate's Court-I, Thrissur, as against the petitioner herein, are liable to be quashed.

In the result, this Crl.M.C. is allowed and Annexure A Final Report and all further proceedings in C.C.No.880 of

2008 of the Judicial First Class Magistrate's Court-I, Thrissur,  
as against the petitioner herein, are hereby quashed.

Sd/-

**B. KEMAL PASHA**  
**JUDGE**

*DSV/7/10/15*

*// True Copy //*

*P.A. To Judge*