

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

Cr1.MC.No. 6966 of 2014 ()

CRIME NO. 2669/2011 OF THOPPUMPADY POLICE STATION, ERNAKULAM

PETITIONER/ACCUSED:

DR.SIVAKUMAR, AGED 55 YEARS,
S/O RAJASEKHARAN, RESIDING AT 48/2582, MANJUSHA,
LFC POTTAKKUZHI CROSS ROAD, ELAMAKKARA, KALOOR,
KARUKAPPALLY JUNCTION, KOCHI-26.

BY ADV. SRI.T.MADHU

RESPONDENTS/STATE:

1. JULIE XAVIER, AGED 56 YEARS,
W/O XAVIER, RESIDING AT PULIKKATH HOUSE,
NELSON MANDELA ROAD, PALLURUTHY, KOCHI-6,
ERNAKULAM DISTRICT.

2. THE STATE OF KERALA
THROUGH STATION HOUSE OFFICER,
THOPPUMPADY POLICE STATION, ERNAKULAM DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682031.

R2 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 26-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 6966 of 2014 ()

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: CERTIFIED COPY OF THE FIR IN CRIME NO.2669/2011
OF THOPPUMPADY POLICE STATION, ERNAKULAM DISTRICT.

ANNEXURE A2: THE AFFIDAVIT DATED 27.11.2014 SWORN IN BY THE
1ST RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

// True Copy //

P.A. To Judge

DSV/26/2/15

B.KEMAL PASHA, J.

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Crl.M.C. No.6966 of 2014

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Dated this the 26th day of February, 2015

ORDER

Petitioner is the accused in Crime No.2669 of 2011 of the Thoppumpady Police Station, registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

2. The allegation against the petitioner is that he had obtained an amount of Rs.5,00,000/- from the defacto complainant, on 30.07.2010, by giving on lease the residential house belonging to him to the defacto complainant for a period of 11 months, by making her to believe that the property was not encumbered. Thereafter, the defacto complainant realized that the property was mortgaged to Axis Bank. Even after the period of lease, the petitioner has not cared to return the amount to the defacto complainant.

3. According to the petitioner, the matter in dispute has been amicably settled between him and the defacto complainant and presently the defacto complainant has no complaints against the petitioner. The petitioner has come up under Section 482 Cr.P.C. for getting Annexure A1 First Information Report and all further proceedings in Crime No.2669 of 2011 of the Thoppumpady Police Station, quashed.

4. The defacto complainant has filed an affidavit affirming that the matter has been amicably settled between her and the petitioner and presently she has no complaints against the petitioner. When a matter like this has been amicably settled between the parties, I am of the view that it is just and expedient in the interest of justice to quash Annexure-A1 First Information Report and all further proceedings pursuant to it in Crime No.2669 of 2011 of the Thoppumpady Police Station.

In the result, this Crl.M.C. is allowed and Annexure-A1

Crl.M.C.No.6966 of 2014

-: 3 :-

First Information Report and all further proceedings pursuant to it in Crime No.2669 of 2011 of the Thoppumpady Police Station are hereby quashed.

Sd/-
B.KEMAL PASHA
JUDGE

DSV/26/2/15

// True Copy //

P.A. To Judge