

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

WP(C).No. 24335 of 2015 (N)

PETITIONER(S):

ANILKUMAR K.R., AGED 42 YEARS
S/O.RAMACHANDRAN, KOMARETHVEEDU, NEENDOOR KARA
VADAKKEKARA VILLAGE, ERNAKULAM DISTRICT

BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.

RESPONDENT(S):

1. DIRECTOR GENERAL OF POLICE,
POLICE HEAD QUARTERS, VAZHUTHACAUD
THIRUVANANTHAPURAM 695001
2. DISTRICT POLICE CHIEF
ERNAKULAM RURAL AT ALUVA 683101
3. CIRCLE INSPECTOR OF POLICE
VADAKKEKARA, NORTH PARUR, ERNAKULAM 683513
4. SUB INSPECTOR OF POLICE
VADAKKEKARA, NORTH PARUR, ERNAKULAM 683513
5. SASIKUMAR
S/O.KESAVAN, KULANGARA HOUSE, PATTANAM
NORTH PARUR, ERNAKULAM 683522

R1-R4 BY ADV. GOVERNMENT PLEADER SMT.MAYA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

P1:TRUE COPY OF THE AGREEMENT DATED 08.02.2013 EXECUTED BETWEEN THE PETITIONER AND ONE MRS. MOLLY AUGUSTINE

P2:TRUE COPY OF THE FIRST INFORMATION REPORT DATED 02.09.2014 ISSUED BY SUB INSPECTOR OF POLICE, VADAKKEKARA POLICE STATION

P3:TRUE COPY OF THE COMPLAINT DATED 12.11.2014 ADDRESSED TO THE 3RD RESPONDENT

P4:TRUE COPY OF THE ACKNOWLEDGEMENT EVIDENCING RECEIPT OF EXHIBIT P3 COMPLAINT

P5:TRUE COPY OF THE COMPLAINT DATED 12.06.2015 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT

P6:TRUE COPY OF THE NEWS ITEM PUBLISHED IN NEW INDIAN EXPRESS DATED 02.08.2015 ABOUT TAKING ACTION ON UNAUTHORIZED MONEY LENDERS

P7:TRUE COPY OF THE PRESS NOTE DATED 01.08.2015 ISSUED BY THE KERALA POLICE INFORMATION CENTRE, THIRUVANANTHAPURAM

RESPONDENT(S)' EXHIBITS : NIL

// True Copy //

PA to Judge

B. KEMAL PASHA, J.

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W.P.(C) No.24335 of 2015 N
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Dated this the 16th day of October, 2015

J U D G M E N T

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The complaint of the petitioner is precisely that Ext.P5 complaint filed by him before the 1st respondent has not been considered so far. The complaint is that through illegal money lending, the 5th respondent had obtained signed blank cheque as well as signed blank papers from the petitioner and subsequently, the stage carriage bearing registration No.KL-07AF-3321 belongs to the petitioner was forcibly taken away by the 5th respondent.

2. The learned Public Prosecutor, on instructions, submits that earlier, there was a complaint filed by the petitioner on the same set of facts, based on which Crime No.1142/2014 of Vadakkekara Police Station was registered for the offences punishable under Section 17 of the Kerala Money Lenders Act and Sections 3 and 9 of the Kerala Prohibition of Charging Exorbitant Interest Act, 2003 and under Section 506(i) IPC. The

matter was investigated into. Even though a search was made at the premises of the 5th respondent, no incriminating documents could be seized and, therefore, the offences under Section 17 of the Kerala Money Lenders Act and Sections 3 and 9 of the Kerala Prohibition of Charging Exorbitant Interest Act, 2003, were deleted and a final report was filed alleging offences under Sections 447 and 506(i) IPC. According to the learned Public Prosecutor, as Ext.P5 also is on the same lines of the earlier complaint, any further investigation is not warranted on it.

3. When the matter was considered earlier and it was investigated into and a final report has already been filed, this writ petition is devoid of merits and is only to be dismissed, and I do so.

In the result, writ petition is dismissed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/16/10

// True Copy //

PA to Judge