

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

WP(C).No. 27459 of 2015 (F)

PETITIONER(S):

**CR.SUBRAMANIAN POTTY, AGED 53 YEARS,
S/O.RAMACHANDRAN POTTY, PROPRIETOR,
TRISTAR MARKETING CORPORATION, KADAMBARI,
NORTH HARIPPAD P.O., ALAPPUZHA DISTRICT.**

**BY ADVS.SRI.SABU THOZHUPPADAN
SMT.P.M.JINIMOL**

RESPONDENT(S):

- 1. THE SUB DIVISIONAL MAGISTRATE,A FORTKOCHI, ERNAKULAM-682001.**
- 2. AUTOCOP (INDIA) PVT.LTD., REGD.OFFICE AT MUHAMMADABI,
INSUFALI COMPOUND, OLD AGRA ROAD, NAZIK-422401
REPRESENTED BY ITS DIRECTOR UMESH P.DESPANDEY.**
- 3. UMESH P.DESPANDEY, DIRECTOR,
AUTOCOP (INDIA) PVT.LTD., REGD.OFFICE AT MUHAMMADABI,
INSUFALI COMPOUND, OLD AGRA ROAD, NAZIK-422401**
- 4. NEERAJ SARAD JAKHADKAR,
AUTOCOP (INDIA) PVT.LTD., REGD.OFFICE AT MUHAMMADABI,
INSUFALI COMPOUND, OLD AGRA ROAD, NAZIK-422401**
- 5. SARAD T. PANDEY, S/O.THUKKARAN PANDEY,
AUTOCOP (INDIA) PVT.LTD., ANCHUMANA ROAD,
EDAPPALLY, ERNAKULAM-682024.**

R1 BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 27459 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 A TRUE COPY OF COMPLAINT NO.C-2525/2013 DATED 25/3/13

EXT.P2 A TRUE COPY OF THE ORDER DATED 14/2/12 IN C-1562/12 OF R1

**EXT.P3 A TRUE COPY OF THE PETITION AND AFFIDAVIT DATED 26/7/12
SUBMITTED BY THE R5 TO THE R1**

**EXT.P4 A TRUE COPY OF PETITION TO RECALL WARRANT DATED 6/11/12
FILED BY THE COUNSEL FOR PETITIONER BEFFORE R1 IN C-1562/12.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A. MUHAMED MUSTAQUE, J.

.....
W.P.(C) No. 27459 of 2015 (F)
.....

Dated this the 11th day of September, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

- i. Issue a writ of mandamus or any other appropriate writ, direction or order directing the 1st respondent to complete the proceedings on Ext.P1 under Section 340 of code of Criminal Procedure within a stipulated period.
- ii. Grant such other reliefs deem fit and proper in the interest of justice.

2. Heard both sides.

3. The learned counsel for the petitioner submits that, the petitioner has approached the 1st respondent to initiate action under Section 340 of the Code of Criminal Procedure against the party respondents. The only prayer now pressed before this Court is for a direction to the 1st respondent to consider

Ext.P1 and pass appropriate orders within a time frame.

4. Considering the facts and circumstances, this writ petition is disposed of, with a direction to the 1st respondent to consider Ext.P1 complaint and pass appropriate orders, in accordance with law, after giving an opportunity of hearing to the petitioner and the respondents in the complaint, as expeditiously as possible, within a period of three months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE

AMV/14/09/