IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

MONDAY, THE 5TH DAY OF AUGUST 2024 / 14TH SRAVANA, 1946

CRL.MC NO. 1774 OF 2017

CRIME NO.677/2012 OF Nedupuzha Police Station, Thrissur

AGAINST THE ORDER IN CC NO.156 OF 2013 OF JUDICIAL MAGISTRATE OF FIRST CLASS -II,THRISSUR

PETITIONER/THIRD ACCUSED:

KRISHNAKUMAR, S/O.VISWANATHAN NAIR,
AGED 44 YEARS, X/544, SREE KRISHNA NIVAS,
EAST NADA, POST GURUVAYOOR,THRISSUR DISTRICT.

BY ADVS.
SRI.GRASHIOUS KURIAKOSE (SR.)
SRI.GEORGE MATHEWS
SRI.T.T.RAKESH

RESPONDENTS:

1 STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2 THE SENIOR MANAGER
DENA BANK, THRISSUR BRANCH,
TRINITY COMPLEX, ST NAGAR,THRISSUR-683001.

BY ADV SRI.IEANS.C.CHAMAKKALA

OTHER PRESENT:

SRI.SANGEETHARAJ.N.R, PP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 05.08.2024, ALONG WITH Crl.MC.3035/2017, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

MONDAY, THE 5TH DAY OF AUGUST 2024 / 14TH SRAVANA, 1946

CRL.MC NO. 3035 OF 2017

CRIME NO.677/2012 OF Nedupuzha Police Station, Thrissur

AGAINST THE ORDER IN CC NO.156 OF 2013 OF JUDICIAL MAGISTRATE OF FIRST CLASS -II,THRISSUR

PETITIONERS/ACCUSED NOS.1 & 2:

1 JAYAKRISHNAN, AGED 47 YEARS, S/O. VISWANATHAN, THONEKAATU VEEDU, SREE KRISHNA NIVAS, EAST INDIA, GURUVAYOOR, THRISSURDISTRICT.

2 SHEELA JAYAKRISHNAN, AGED 36 YEARS, W/O. JAYAKRISHNAN, X/544, SREE KRISHNANIVAS, EAST NADA, GURUVAYOOR, THRISSUR DISTRICT.

BY ADVS.
SRI.GEORGE MATHEWS
SRI.T.T.RAKESH

RESPONDENTS:

1 STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECTOR, HIGH COURT OF KERALA, ERNAKULAM.

2 THE SENIOR MANAGER, DENA BANK, THRISSUR BRANCH, TRINITY COMPLEX, ST NAGAR, THRISSUR - 683 001.

SRI. RENJITH T R, SR PP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 05.08.2024, ALONG WITH Crl.MC.1774/2017, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P. V. KUNHIKRISHNAN, J.

Crl.M.C.Nos.1774 and 3035 of 2017

Dated this the 5th day of August, 2024

COMMON ORDER

These Criminal Miscellaneous Cases are filed to quash the proceedings in C.C.No.156/2013 on the file of the Judicial First Class Magistrate Court-II, Thrissur. The offences alleged are under Sections 466, 468, 471, 406 and 420 r/w 34 of the Indian Penal Code.

2. Even though stay of the proceedings was initially granted, the stay was not extended after 2020. But, in the e-court service website, it is stated that the case is pending before this court with a stay order. This Court perused the final report. After going through the final report, I am of the considered opinion that the contentions raised in these Criminal Miscellaneous Cases are to be raised before the trial court by filing a discharge petition. If that is the case, this Criminal Miscellaneous Case need not be retained.

Therefore, these Criminal Miscellaneous Cases are disposed of allowing the petitioners to file discharge petition before the trial court and if such a discharge petition is filed, the learned Magistrate will consider the same and pass appropriate orders in accordance with law, if charge is not framed. All the contentions raised in these Criminal Miscellaneous Cases are left open. The Registry will issue a copy of this order to the Judicial First Class Magistrate Court-II, Thrissur.

Sd/-

P. V. KUNHIKRISHNAN
JUDGE

Sbna/05.08.2024

APPENDIX OF CRL.MC 3035/2017

PETITIONER ANNEXURES

ANNEXURE 1	A TRUE COPY OF THE FIR IN CRIME NO 677/2012 OF NEDUPUZHA POLICE STATION, THRISSUR.
ANNEXURE 2	A TRUE COPY OF THE FIS GIVEN BY LATHIKA, BANK MANAGER, BEFORE THE S.I OF POLICE NEDUPUZHA IN CRIME NO.677/2012 OF NEDUPUZHA POLICE,THRISSUR.
ANNEXURE 3	A TRUE COPY OF THE FINAL REPORT/CHARGE SHEET IN CRIME NO. 677/2012 OF NEDUPUZHA POLICE STATION FILED BEFORE JUDICIAL FIRST CLASS MAGISTRATE COURT - II, THRISSUR.
ANNEXURE 4	A TRUE COPY OF THE CERTIFICATE ISSUED BY THE DENA BANK TO THE PETITIONERS DATED 22/03/2016.

APPENDIX OF CRL.MC 1774/2017

PETITIONER ANNEXURES

ANNEXURE 1	A TRUE COPY OF THE FIR IN CRIME NO.677/2012 OF NEDUPUZHA POLICE STATION,THRISSUR
ANNEXURE 2	A TRUE COPY OF THE FIS GIVEN BY LATHIKA,BANK MANAGER,BEFORE THE S.I.OF POLICE NEDUPUZHA IN CRIME NO.677/2012 OF NEDUPUZHA POLICE THRISSUR
ANNEXURE 3	A TRUE COPY OF THE FINAL REPORT/CHARGE SHEET IN CRIME NO.677/2012 OF NEDUPUZHA POLICE STATION FILED BEFORE JUDICIAL FIRST CLASS MAGISTRATE COURT-II,THRISSUR.
ANNEXURE 4	A TRUE COPY OF THE CERTIFICATE ISSUED BY THE DENA BANK TO THE ACCUSED 1 AND 2 DATED 23.03.2016.