IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE G.GIRISH

FRIDAY, THE 11TH DAY OF APRIL 2025 / 21ST CHAITHRA, 1947

CRL.MC NO. 8994 OF 2019

CRIME NO.78/2018 OF PERUNAD POLICE STATION, PATHANAMTHITTA

AGAINST THE ORDER IN CC NO.291 OF 2019 OF JUDICIAL MAGISTRATE OF FIRST CLASS ,RANNI

PETITIONERS:

1 **LATHISH KUMAR D,**
AGED 34 YEARS,
S/O.V.DINESH, THENGUVILA VEEDU, NEDUNGOLAM P.O.,
PARAVUR, KOLLAM, PIN - 691 334
(NOW RESIDING AT FEDERAL BANK LTD., KOKKADU BRANCH).

2 **SUJITH S.,**
AGED 27 YEARS,
S/O.SURESH V., VASUDEVAVILASAM, KUZHIMATHICADU P.O.,
KOLLAM, PIN - 691 509
(NOW WORKING AT FEDERAL BANK LTD., KOTTARAKARA BRANCH).

3 **NIKHIL RAMACHANDRAN,**
AGED 28 YEARS,
S/O.RAMACHANDRAN, VALIYAPUTHANPURAYIL HOUSE,
KALLOORKAD P.O - 686 668
(NOW WORKING AT FEDERAL BANK LTD., ATHIKKAYAM BRANCH).

4 **PRASANTH P.NAMBIAR,**
AGED 34 YEARS,
S/O.PARAMESWARAN NAMBIAR, PRASADAM HOUSE,
ULIYANNOOR P.O., ALUVA, PIN - 683 108
(NOW WORKING AT FEDERAL BANK LTD.,
ATHIKKAYAM BRANCH).

5 **ADARSH G.S.,**
AGED 28 YEARS,
S/O.S.GIRISH KUMAR,
SREELAKSHMI, GVRAS- 6, TC 3/342(1),
MUTTADA P.O., THIRUVANANTHAPURAM - 695 025
(NOW WORKING AT FEDERAL BANK LTD.,
KALLIKKAD BRANCH).

BY ADVS.JACOB P.ALEX
JOSEPH P.ALEX
MANU SANKAR P.

RESPONDENTS:

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

2 ANITHA KUMARI
AGED 40 YEARS
W/O.MANESH, KUTTIYIL HOUSE, NARANAMOOZHI P.O.,
ATHIKAYAM VILLAGE, RANNI TALUK,
PATHANAMTHITTA DISTRICT,
PIN - 689 711.

SMT. SEENA C., PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 11.04.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

O R D E R

The petitioners are accused Nos.2 to 6 in Crime No.78/2018 of Perunad Police Station. The allegation against them is that, while they were working as the employees of Federal Bank, Athikkayam branch, they assisted the first accused to withdraw a total amount of Rs.3,48,000/- from the account of the sister of the first accused by resorting to impersonation and forgery of records. After the completion of the investigation, the Sub Inspector of Police, Perunad, filed a final report against the petitioners herein and the first accused, alleging the commission of offences under Sections 417, 420, 471 & 468 read with Section 34 of the Indian Penal Code, 1860.

2. In the present petition, the petitioners would contend that they are totally innocent, and that they have been falsely implicated in this case. It is further stated in the petition that the de facto complainant/second respondent has now requested the Manager of the Federal Bank, Athikkayam branch, to drop all further proceedings in connection with the complaint relating to the withdrawal of the amount from her account by her sister, who is the first accused.

3. Heard the learned counsel for the petitioners and the learned Public Prosecutor representing the State of Kerala.

4. It is seen from the records that the second respondent/de facto complainant had already addressed the Manager of the Federal Bank, Athikkayam branch, for dropping all further proceedings initiated in connection with the complaint, since she had settled the issue with the first accused, her sister, who allegedly withdrew the amount from her account by resorting to impersonation and forgery. The present Manager of Federal Bank, Athikkayam branch, and the past Manager, who had lodged the complaint to the Police, have also filed affidavits stating that there is no objection in quashing the proceedings against the petitioners/ accused Nos.2 to 6.

5. It appears that the issue involved in this case is the offshoot of the private dispute between the de facto complainant and the first accused, who are sisters. As far as the present petitioners are concerned, there are no explicit materials to show that they acted in connivance with the first accused in withdrawing the amount from the account of the de facto complainant. That apart, it is seen that the issue is no more subsisting, since the matter has been amicably settled between the first accused and the de facto complainant. In the above circumstances, the continuance of the proceedings against the petitioners herein, who are only employees of the bank concerned at the relevant time, can only be

termed as an abuse of process of court. Therefore, the request in this petition to quash the proceedings against them has to be allowed.

In the result, the petition stands allowed. The proceedings against the petitioners (accused Nos.2 to 6) in C.C.No.291/2019 on the files of the Judicial First Class Magistrate Court, Ranni, are hereby quashed.

(Sd/-)
G. GIRISH, JUDGE

DST/11.04.25

APPENDIX

PETITIONER ANNEXURES

ANNEXURE A	**CERTIFIED COPY OF FIR IN CRIME NO.78 OF 2018 OF PERUNAD POLICE STATION.**
ANNEXURE A(1)	**CERTIFIED COPY OF LETTER DATED 03/02/2018 ISSUED BY THE MANAGER OF ATHIKKAYAM BRANCH OF FEDERAL BANK LTD.**
ANNEXURE B	**TRUE COPY OF THE UNDATED STATEMENTS MADE BY VINU (CW-2), BRANCH MANAGER, ATHIKKAYAM BRANCH OF THE FEDERAL BANK LTD.**
ANNEXURE C	**CERTIFIED COPY OF CHARGE SHEET IN CRIME NO.78 OF 2018 OF PERUNAD PS.**
ANNEXURE D	**TRUE COPY OF LETTER DATED 14/11/2018 ISSUED BY 2ND RESPONDENT.**
ANNEXURE E	**LETTER DATED 17.03.2025, ISSUED BY THE MANAGER OF FEDERAL BANK, ATHIKKAYAM BRANCH**
ANNEXURE F	**THE AFFIDAVIT DATED 21.03.2025 SWORN BY VINU C.K., MANAGER, FEDERAL BANK LTD**
ANNEXURE G	**HE AFFIDAVIT DATED 05.04.2025 SWORN BY THE MANAGER AND BRANCH HEAD OF THE ATHIKKAYAM BRANCH OF THE FEDERAL BANK LTD**