

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

**FRIDAY, THE 29TH DAY OF MAY 2015/8TH JYAISHTA, 1937**

**CrI.MC.No. 6065 of 2014 ()**

**CRIME NO. 408/2014 OF BALUSSERY POLICE STATION,  
KOZHIKODE DISTRICT**

**PETITIONERS/ACCUSED :**

- 1. SHIJAS, AGED 38 YEARS,  
S/O.VIDHYADHARAN, SHEENA MANDIRAM,  
KADAKKAL P.O., KOLLAM DISTRICT**
- 2. BOBY, AGED 37 YEARS  
S/O.SAHADDEVAN, MOOLAYIL VEEDU, KARYAM  
EDATHARA PO, KADAKKAL, KOLLAM DISTRICT**
- 3. SHAJI, AGED 36 YEARS,  
S/O.SHARAFUDHEEN, DARUSALAM, KAJIRATHINMOODU  
AYIRAKUZHI PO, KADAKKAL, KOLLAM**
- 4. RAJEEV, AGED 45 YEARS,  
S/O.GOPINATHAN PILLAI, GEETHA BHAVAN, VADAKKEVAYAL,  
KUTTIKKADA P.O., KADAKKAL, KOLLAM DISTRICT**

**BY ADVS.SRI.K.SIJU  
SMT.BINDU GEORGE**

**RESPONDENTS/STATE :**

- 1. THE STATE OF KERALA  
REPRESENTED BY SUB INSPECTOR OF POLICE,  
BALUSSERY POLICE STATION THROUGH PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, 682 031.**
- 2. NOUSHAD, AGED 34 YEARS,  
S/O.MUHAMMED KOYA, THOTTAYI HOUSE, NANMANDA MURI  
NANMANDA PO, KOZHIKODE DISTRICT 673 613.**

**R1 BY PUBLIC PROSECUTOR SMT. SAREEN GEORGE  
R2 BY ADV. SMT.S.SEETHA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 29-05-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**bp**

**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**ANNEXURE 1: COPY OF COMPLAINT SUBMITTED BY THE 2ND RESPONDENT/DE-FACTO COMPLAINANT.**

**ANNEXURE 2: COPY OF FIR IN CRIME NO. 408/2014 OF BALUSSERY POLICE STATION**

**ANNEXURE 3: COPY OF AFFIDAVIT SWORN BY THE 2ND RESPONDENT 30/9/2014.**

**ANNEXURE 4: COPY OF THE TITLE DEED NO. 2907/2014 OF CHELANNUR SRO.**

**ANNEXURE 5: COPY OF FINAL REPORT IN CRIME NO. 408/2014 OF BALUSSERY POLICE STATION.**

**RESPONDENT(S)' EXHIBITS : NIL.**

**//TRUE COPY//**

**P.A.TO JUDGE**

**bp**

ALEXANDER THOMAS, J.

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Crl.M.C.No.6065 of 2014

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Dated this the 29<sup>th</sup> day of May, 2015

ORDER

The petitioners are accused 1 to 4 in Annexure -2 Crime No.408/2014 of Balussery Police Station registered for offence under Sections 143, 147, 448, 420, 506 r/w 149 IPC and Section 3,2 & 17 of Kerala Money Lenders Act. It is the case of the Petitioners that the crime arose out of monetary transaction taken place between the 1<sup>st</sup> petitioner and de facto complainant who are business partners in Dubai and that the de facto complainant had borrowed Rs.23 Lakhs from the petitioner and that the transaction is mainly only such monetary transactions. The crime arose out of Annexure -1 private criminal complaint filed by the 2<sup>nd</sup> respondent/de facto complainant which was directed to be investigated under Section 156(3) of Cr.P.C. The police after investigation submitted the impugned Annexure-5 final report/charge sheet in the above said crime which led to the

pendency of C.C.No.1176/2014 on the file of the Judicial First Class Magistrate Court, Perambra. Now the petitioners and 2<sup>nd</sup> respondent had resolved the disputes and the 2<sup>nd</sup> respondent has agreed for quashment of the impugned criminal proceedings as borne out by the Annexure -3 affidavit sworn to by him. It is in the light of these facts and circumstances that the prayers for quashment has been made in the instant Crl.M.C.

2. After hearing all the parties concerned, this Court is of the considered opinion that the entire incidents in relation to the alleged crime originated from the monetary transaction between the 1<sup>st</sup> petitioner and the 2<sup>nd</sup> respondent/ de facto complainant and the prayer for quashment could be considered in the light of such settlement. The Prosecutor who was earlier requested to get instructions and the prosecutor has now submitted that apart from the present crime registered on the basis of the private criminal complaint, there are no other crimes registered against the Petitioners. In this view of the matter it is ordered in the interest of justice that the impugned Annexure -5 final report/ charge sheet filed in the impugned Annexure -2 Crime No.408/2014 of Balussery Police Station which has led to the pendency of

C.C.1176/2014 on the file of Judicial First Class Magistrate Court-II, Perambra and all further proceedings arising there from pending against the petitioners are here by quashed.

The Crl.M.C.stands finally disposed of .

ALEXANDER THOMAS, JUDGE

MJL

