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Dr. Radhakrishnan Vs. State

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Court : Kerala

Decided On : Nov-27-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Dr. Radhakrishnan

Respondent : State

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN WEDNESDAY, THE27H DAY OF NOVEMBER20136TH AGRAHAYANA, 1935 Crl.MC.No. 5619 of 2013 () ---------- CRIME NO. 9/2012 OF GURUVAYOOR POLICE STATION, THRISSUR DISTRICT ---------- PETITIONER/1ST ACCUSED : ---------- DR. RADHAKRISHNAN, AGED61 S/O.NARAYANA SANTHI, RESIDING AT SIVAKRISHNA IRINGAPURAM, NOW RESIDING AT RAMANIYAM VANIYAKKADU P.O., THATHAPPILLY, SANTHIMADOM NORTH PARAVUR, ERNAKULAM DISTRICT. BY ADVS.SRI.V.A.PRADEEP KUMAR SMT.JENNY THANKAM RESPONDENTS/STATE, COMPLAINANT & 2ND ACCUSED : ---------- 1. STATE OF KERALA REPRESENTED BY S.I. OF POLICE GURUVAYOOR POLICE STATION THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM.

2. MRS.NARAYANI SURENDRAN W/O.SURENDRANATH, SURYA HOUSE, CHAVAYUR NELLIKKODE KOZHIKODE, PIN-673 107.

3. RAJESH @ RAJESH KUMAR S/O.GANGADHARAN, KANGATHU HOUSE, N.S.S. COLLEGE P.O. NENMARA, PALAKKAD DISTRICT, PIN-678 508. R1 BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON2711-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Mn ...2/- Crl.MC.No. 5619 of 2013 () ---------- APPENDIX PETITIONER(S)' ANNEXURES : ---------- ANNEXURE A1- TRUE COPY OF FIR IN CRIME NO.9/2012 OF THE GURUVAYUR POLICE STATION. ANNEXURE A2- TRUE COPY OF CHARGE IN CRIME NO.9/2012 OF THE GURUVAYUR POLICE STATION. ANNEXURE A3- TRUE COPY OF RENT AGREEMENT EXECUTED BETWEEN THE PETITIONER AS WELL AS THE2D RESPONDENT, DATED166.2010. ANNEXURE A4- TRUE COPY OF CHEQUE NO.008301 68024001 00242929 DATED31.2012 OF H.D.F.C. BANK, CHAVAKKAD AS SUM OF RS. 2 LAKHS. ANNEXURE A5- TRUE COPY OF PHOTOGRAPH OF THE VILLA. ANNEXURE A6- TRUE COPY OF SALE DEED NO.1424/2010 OF SRO, KUNNAMKULAM, DATED156.2010. ANNEXURE A7- TRUE COPY OF MAHAZAR PREPARED BY THE GURUVAYUR POLICE STATION DATED2006.2012 OF THE VILLA OF THE2D RESPONDENT. RESPONDENT(S)' EXHIBITS : NIL ---------- //TRUE COPY// P.A. TO JUDGE Mn P.BHAVADASAN, J.

- Crl.M.C No. 5619 of 2013 - Dated this the 27th day of November, 2013

ORDER

This is a petition filed under Section 482 of Cr.P.C. seeking to have the final report quashed.

2. The contention raised by the petitioner is that the non completion of Villas which gave rise to the complaint under the crime thereof is now completed as could be seen from the photographs produced along with this petition and also from the

scene mahazar prepared by the Police. Accordingly, it is contended that the offence will not lie.

3. The final report has been filed, the cognizance has been taken and summons has been issued to the petitioner who is the first accused. In the light of the materials now available, if no offences are made out, the proper remedy for him is to seek a discharge before the appropriate court.

4. Reserving the liberty of the petitioner to move for discharge, this petition is disposed of. If the petitioner wants Crl.M.C No. 5619 of 2013 -2- exemption from personal appearance, he may move application before that court which too shall be considered in accordance with law. Sd /- P.BHAVADASAN JUDGE ds

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