

Dr.Radhakrishnan Vs. State

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SooperKanoon Citation : sooperkanoon.com/1119246

Court : Kerala

Decided On : Jan-03-2014

Judge : Honourable Mr.Justice Harun-Ul-Rashid

Appellant : Dr.Radhakrishnan

Respondent : State

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE HARUN-UL-RASHID FRIDAY, THE 3D DAY OF JANUARY 2014 13TH POUSHA, 1935 CrI.MC.No. 100 of 2014 -----

CC NO.2855/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVAKKAD CRIME NO. 1428/2013 OF GURUVAYOOR POLICE STATION , THRISSUR ... PETITIONER(S)/ACCUSED 1 TO 3

----- 1. DR.RADHAKRISHNAN, CHAIRMAN, SANTHIMADOM BUILDERS, SOUTH NALUVAZHY, NORTH PARAVUR, ERNAKULAM DISTRICT.

2. RAMANI RADHAKRISHNAN, W/O.RADHAKRISHNAN, SANTHIMADOM BUILDERS, SOUTH NALUVAZHY, NORTH PARAVUR.

3. RAGESH MANU, S/O.RADHAKRISHNAN, SANTHIMADOM BUILDERS, SOUTH NALUVAZHY, NORTH PARAVUR. BY ADVS.SRI.V.A.PRADEEP KUMAR SMT.M.JENNY THANKAM RESPONDENT(S)/STATE AND DEFACTO

COMPLAINANT:

----- 1. STATE OF KERALA, REPRESENTED BY SI OF POLICE, GURUVAYUR, THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. SHAJI MATHAI, AGED 55 YEARS, S/O. MATHAI, PANAMOOTTIL HOUSE, PUTHUPALLI DESOM, PUTHUPPALLI P.O., KOTTAYAM DISTRICT - 686 011. R1 BY PUBLIC PROSECUTOR SMT. S. HYMA THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 03-01-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Kss CrI.MC.No. 100 of 2014

----- APPENDIX PETITIONER(S)' ANNEXURES:

----- ANNEXURE A1: TRUE COPY OF PRIVATE COMPLAINT CC28552013 FILED BY THE 2D RESPONDENT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVAKKAD DT.6-8-2013. ANNEXURE A2: TRUE COPY OF FIR IN CRIME NO.1428 REGISTERED BY THE GURUVAYUR POLICE STATION DT.13-8-2013 IN CC28552013 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVAKKAD. ANNEXURE A3: TRUE COPY OF FINAL REPORT IN CRIME NO.1428/2013 DT.15-10-2013 IN CC28552013 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVAKKAD. ANNEXURE A4: TRUE COPY OF OWNERSHIP CERTIFICATE NO.B2-3155/09 ISSUED BY POOKODU GRAMA PANCHAYAT TO THE SECOND RESPONDENT DT.9-12-2009. ANNEXURE A5: TRUE COPY OF AGREEMENT DT.18-3-2011 EXECUTED BY THE SECOND RESPONDENT AND HIS WIFE IN FAVOUR OF THE FIRST PETITIONER. ANNEXURE A6: TRUE COPY OF

ORDER

DT.2-12-2013 IN CMP94582013 IN CC NO.2855/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVAKKAD. ANNEXURE A7: TRUE COPY OF MEDICAL CERTIFICATE DT.19-9-2013 ISSUED BY LOURDES HOSPITAL, ERNAKULAM ISSUED TO THE FIRST PETITIONER. RESPONDENT(S)' ANNEXURES: ----- N I L /TRUE COPY/ P.A.TO JUDGE Kss HARUN-UL-RASHID, J.

----- Crl. M.C No. 100 of 2014 ----- Dated this
the 03rd day of January, 2014.

ORDER

Petitioners are accused Nos. 1, 2 and 3 in Crime No. 1428/13 of Guruvayur Police Station. The offences alleged against the petitioners are punishable under Sections 417, 418, 420 r/w 354 of IPC. The Crl.M.C is filed seeking to quash Annexure-A3 Final Report in C.C No. 2855/2013 and Annexure-A6 order in CMP No. 9458/2013.

2. It is submitted that the petitioners were falsely implicated as accused without any materials that, the dispute between the parties is of civil nature and no ingredients of offences are made out in the F.I.R and charge. It is also submitted that the court below has issued arrest warrant as per Annexure-A6 order against the petitioner and others without application of mind. As per Annexure-A3 charge there is only three accused .

3. Petitioner Nos. 2 and 3 are wife and son of the first accused. I have examined the materials on records produced by the petitioners. I found that no sustainable grounds are made out by the petitioners for quashing the proceedings at this stage. Crl. M.C No. 100 of 2014 2 Accordingly, the Crl.M.C is disposed of without prejudice to the right of the petitioners to file an application for discharge within a period of three weeks from today. In the event petitioners filing discharge applications within the time stated above, the learned Magistrate shall consider and dispose of the discharge applications within a period of three months from the date of filing of such applications. The personal appearance of the petitioners shall be dispensed with during the pendency of applications for discharge. Annexure-A6 proceedings shall be kept in abeyance till the disposal of the discharge applications. HARUN-UL-RASHID, JUDGE. Isn