

Mini vs State of Kerala

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Court : Kerala

Decided On : Jul-31-2024

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : Crl.MC/8531/2017

Appellant : MINI

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
WEDNESDAY, THE 31ST DAY OF JULY 2024 / 9TH SRAVANA, 1946
CRL.MC NO. 8531 OF 2017 CRIME NO.30/2016 OF Paravoor Police
Station, Kollam PETITIONER/ACCUSED NO.3: MINI AGED 42, W/O.
VINOD, PONNOOSE VILLA, KARIMPALLOOR KONATHU CHERRY,
PARIPPALLY VILLAGE, PUTHENKULAM P.O., KOLLAM DISTRICT. BY
ADV SRI.V.VENUGOPALAN NAIR
RESPONDENTS/STATE/COMPLAINANT:

1 STATE OF KERALA REPRESENTED BY THE SECRETARY,
DEPARTMENT OF HOME AFFAIRS, THIRUVANANTHAPURAM.

695001. 2 THE DIRECTOR GENERAL OF POLICE POLICE HEAD
QUARTERS, THIRUVANANTHAPURAM. 695001. 3 THE CITY POLICE
COMMISSIONER KOLLAM, 691001. 4 THE S. I. OF POLICE
PARAVUR, KOLLAM DISTRICT 691001. 5 THE CIRCLE INSPECTOR
OF POLICE PARAVUR, KOLLAM-691001. 6 PRASANNAKUMARI
AGED 50, W/O. REGHU, REENA PALACE, POOTHAKULAM VILLAGE,
KOLLAM DISTRICT-691001. BY ADV SMT.G.VIDYA

OTHER PRESENT: SRI.RENJITH.T.R, SR.PP THIS CRIMINAL MISC.
CASE HAVING BEEN FINALLY HEARD ON 31.07.2024, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J.

----- Crl.M.C. No.8531 of 2017
----- Dated this the 31st day of July, 2024

ORDER

This criminal miscellaneous case is filed to quash Annexure-A1 FIR. When this matter came up for consideration on 08.12.2017, this Court passed the following order: Heard. The learned Public Prosecutor takes notice for respondents 1 to 5. Issue notice to the 6 th respondent by speed post.

Crl. M. A. No. 13422 of 2017 The contention of the learned counsel for the petitioner is that the 6th respondent assigned the property to the petitioner herein in the year 2001 for herself and on behalf of the co-owner, who is her husband. Subsequently, Annexure-A4 suit was filed by the husband of the 6th respondent contending that, under coercion, undue influence and cheating committed by the petitioner herein, the property was assigned by the 6th respondent on 09.03.2001. The suit was dismissed by Annexure-A5. According to the petitioner, it was not challenged in appeal.

2. The grievance of the petitioner is that a new

contention has now been set up in the present complaint which is totally different from the contention which was set up by the husband of the 6th respondent in Annexure-A4 complaint. The right of the parties were adjourned and determined by the civil court, it was contended. Having considered these, the petitioner herein shall not be arrested till 08.01.2018. However, if the presence of the petitioner is required for the purpose of questioning, notice shall be issued to the petitioner.

2. Probably the investigation in this case might have

been completed. If the final report is filed in the case and the petitioner is aggrieved by the same, she is free to challenge the same in accordance with law. With the above observation, this Criminal Miscellaneous Case is disposed of. Sd/- P.V.KUNHIKRISHNAN JV JUDGE APPENDIX OF CRL.MC 8531/2017 PETITIONER ANNEXURES ANNEXURE A1 A TRUE COPY OF THE FIR IN CRIME NO.30/2016 OF PARAVUR POLICE STATION OF KOLLAM DISTRICT DTD 4.1.2016. ANNEXURE A2 A TRUE COPY OF THE SALE DEED NO.916/2001 OF PARAVUR SRO DTD 9.3.01. ANNEXURE A3 A TRUE COPY OF THE TAX RECEIPT DTD 27.6.11 OF POOTHAKKULAM VILLAGE OFFICE. ANNEXURE A4 A TRUE COPY OF THE PLAINT IN OS DTD 18.2.05. ANNEXURE A5 A TRUE COPY OF THE DECREE IN OS DTD 16.3.11.

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