

Ratheesh Kumar.C vs State of Kerala

Ratheesh Kumar.C vs State of Kerala

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Court : Kerala Orders

Decided On : Oct-31-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : Crl.MC/6621/2014

Appellant : Ratheesh Kumar.C

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
TUESDAY, THE 31ST DAY OF OCTOBER 2023 / 9TH KARTHIKA,
1945 CRL.MC NO. 6161 OF 2014 CRIME NO.1497/2014 OF Kilikolloor
Police Station, Kollam PETITIONER/2ND ACCUSED: SHANKAR
NARAYANAN BHAT, AGED 37 YEARS S/O. GANAPATHI BHAT,
CHIEF MANAGER, M/S. KOTAK MAHINDRA BANK LIMITED, 1ST
FLOOR, VALLANATT BUILDING, 40/9806-9810, NR. SEEMATTI,
M.G.ROAD, COCHIN-682035. BY ADV SRI.B.S.SURESH KUMAR
RESPONDENTS/STATE & DEFACTO COMPLAINANT: 1 STATE OF
KERALA, REP. BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA-682031. 2 THE SUB INSPECTOR OF POLICE KILIKALLOOR
POLICE STATION, REPRESENTED BY PUBLIC PROSECUTOR, HIGH

COURT OF KERALA, PIN-682031. 3 ASWATHY KUMAR S/O. CHANDRASENAN, THAZHATHU GREEN HOUSE, KILIKOLLOOR P.O., KOLLAM, PIN-691004. SRI.O.D.SIVADAS

OTHER PRESENT: SRI.HRITHWIK.C.S, PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31.10.2023, ALONG WITH CrI.MC.6621/2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CrI.M.C.Nos.6161 & 6621 of 2014 2

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN TUESDAY, THE 31ST DAY OF OCTOBER 2023 / 9TH KARTHIKA, 1945 CRL.MC NO. 6621 OF 2014 CRIME NO.1497/2014 OF Kilikolloor Police Station, Kollam AGAINST THE ORDER IN CMP 7441/2014 OF JUDICIAL MAGISTRATE OF FIRST CLASS COURT-I, KOLLAM PETITIONER/FIRST ACCUSED: RATHEESH KUMAR.C, AGED 32 YEARS S/O.CHANDRASEKHARAN PILLAI, RATHEESH BHAVAN, MUKHATHALA P.O, KOLLAM AND FORMERLY ASSISTANT MANAGER, M/S. KOTAK MAHINDRA BANK LIMITED, IST FLOOR, VALLANATT BUILDING, 40/9806 - 9810, NEAR SEEMATTI, M.G ROAD, ERNAKULAM KOCHI 682 035. SRI.G.P.SHINOD SRI.MANU V. RESPONDENTS/STATE, INVESTIGATING OFFICER AND DEFACTO COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM 682 031. 2 THE SUB INSPECTOR OF POLICE, KILIKOLLOOR POLICE STATION, KILIKOLLOOR, KOLLAM 691 004. 3 ASWATHY KUMAR S/O.CHANDRASENAN, THAZHATHU GREEN HOUSE, KILIKOLLOOR P.O, KOLLAM 691 004. SRI.O.D.SIVADAS THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31.10.2023, ALONG WITH CrI.MC.6161/2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CrI.M.C.Nos.6161 & 6621 of 2014 3

P. V. KUNHIKRISHNAN, J.

COMMON ORDER

These two Criminal Miscellaneous Cases are connected and therefore, I am disposing of these cases by a common order. These Crl.M.Cs are filed to quash the FIR in Crime No.1497/2014 of Kilikolloor Police Station.

2. The learned Public Prosecutor submitted that the investigation in the above case is already over and final report is not filed because of the pendency of these cases.

3. I make it clear that the Investigating Officer is free to file

final report before the jurisdictional court in accordance to law. If the petitioners are aggrieved by the final report, they are free to challenge the same in accordance to law. With the above observation, these Crl.M.C are closed. Sd/- P. V. KUNHIKRISHNAN JUDGE Sbnal/ Crl.M.C.Nos.6161 & 6621 of 2014 4 APPENDIX OF CRL.MC 6621/2014 PETITIONER ANNEXURES ANNEXURE A1- COPY OF THE PUBLIC AUCTION NOTICE. ANNEXURE A2- COPY OF THE CERTIFICATE OF SALE FOR VEHICLE NO.KL.09.U.7197 ISSUED TO KOTAK MAHINDRA BANK ON 19.09.13. ANNEXURE A3- COPY OF THE CERTIFICATE OF SALE FOR VEHICLE NO.KL.09.U.9650 ISSUED BY KOTAK MAHINDRA BANK ON 19.09.13. ANNEXURE A4- COPY OF THE JUDGMENT IN WPC 23129/13 DATED 12.09.13. ANNEXURE A5- COPY OF JUDGMENT IN WPC 27765/13 DATED 20.11.13. ANNEXURE A6- COPY OF ORDER DATED 20.12.13 ISSUED BY REGISTERING AUTHORITY, PALAKKAD. ANNEXURE A7- . COPY OF JUDGMENT IN WPC 1697/14 DATED 15.07.14. ANNEXURE A8- COPY OF THE COMPLAINT FILED BY THE

DEFACTO COMPLAINANT/THIRD RESPONDENT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT 1 KOLLAM AS CMP ANNEXURE A9- COPY OF THE FIR IN CRIME NO.1497/14 OF KILIKOLLOOR POLICE STATION FILED BEFORE JUDICIAL FIRST CLASS MAGISTRATE COURT 1 KOLLAM

DATED 18.9.14.

Crl.M.C.Nos.6161 & 6621 of 2014 5 APPENDIX OF CRL.MC 6161/2014
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