

Lalkumar vs Sasikumar

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Court : Kerala Orders

Decided On : Feb-22-2023

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.MC/4181/2019

Appellant : Lalkumar

Respondent : Sasikumar

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS WEDNESDAY, THE 22ND DAY OF FEBRUARY 2023 / 3RD PHALGUNA, 1944 CRL.MC NO. 4181 OF 2019 PETITIONER: LALKUMAR, AGED 51 YEARS, S/O. MANIKANDAN NAIR, LATHA SADANAM, THAVARAVILA, MARUTHANOR DESOM, CHAIKKOTTUKONAM P.O., NEYYATINKARA, THIRUVANANTHAPURAM DISTRICT. BY ADVS. LOWEL CHERIAN A.S.JEOTHIBASU RESPONDENTS: 1 SASIKUMAR, AGED 52 YEARS, S/O. PALAYATHU VEETIL KUTTAN PILLAI, PARIYALLUR PUTHEN VEEDU, AITHUKONDANKANI, IRUMBIL NADOORKOLLA DESOM, NEYYATTINKARA VILLAGE, PIN-695 121. 2 STATE OF KERALA,

REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 31 BY ADV ADDL.DIRECTOR GENERAL OF PROSECUTION SRI. VIPIN NARAYAN - PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 22.02.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

----- Crl.M.C.No.4181 of 2019
----- Dated this the 22nd day of February, 2023

ORDER

Petitioner challenges Crime No.CB CID Cr.112/CR EOW-1/KLM/2016 which arises from Crime No.904 of 2016 of the Neyyattinkara Police Station.

2. According to the prosecution, the accused had with intent to

defraud the defacto complainant created forged ID cards and used the same, after a conspiracy and obtained bail for accused 2 to 9 from various Courts and thereafter caused wrongful loss to the defacto complainant and committed the offences alleged.

3. Though this matter was admitted in 2019, no interim orders

were issued. Even though, steps are directed to be taken to serve notice on the respondents, the same was taken only in July, 2022. For the last more than 7 years, investigation has been going on. In fact Crime Branch has taken over the investigation.

4. According to the learned counsel for the petitioner, the

continuance of investigation is an abuse of the process of law and that there is absolutely no evidence against the petitioner, who is a document writer. It was also pointed out that petitioner has been arrayed as an accused without any basis.

5. I have heard learned counsel for the petitioner and the learned Public Prosecutor.

6. Interference with an FIR can be made only in exceptional

circumstances that too when the admitted allegations do not make out any offence. An FIR is the initiation of an investigation and it should end up in a final report. This is a crime of 2016, in which the final report has not yet been filed. Every endeavor is to be made to complete the investigation and file final report to ascertain the involvement of various accused. Petitioner would not be prejudiced since, after filing of the final report, opportunities will be available to him under the Code of Criminal Procedure, 1973, to alleviate his grievance.

Taking note of the above and reckoning the nature of allegations in the FIR, I am of the view that this is not a fit case where the jurisdiction under Section 482 Cr.P.C ought to be invoked. Accordingly, I dismiss this CrI.M.C.

Sd/- BECHU KURIAN THOMAS, JUDGE ak APPENDIX OF CRL.MC 4181/2019
PETITIONERS ANNEXURES:- ANNEXURE A1 TRUE COPY OF THE PRIVATE COMPLAINT FILED BY THE DE-FACTO COMPLAINANT BEFORE THE J.F.C.M. COURT - I, NEYYATTINKARA. ANNEXURE A2 TRUE COPY F.I.R. PREPARED BY THE NEYYATTINKARA POLICE STATION. ANNEXURE A3 TRUE COPY OF THE REPORT FILED BY THE

C.B.CID, STATS DETECTIVE INSPECTOR R. RAJESH REGARDING THE INDUCTION OF THE PETITIONER AS ADDED ACCUSED 9TH BEFORE THE J.F.C.M. COURT - I, NEYYATTINKARA. ANNEXURE A4 TRUE COPY OF THE COMPLAINT DATED 10.10.18.

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