

1. E.K Susil Kumar vs 1. E.K Sheeba

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SooperKanoon Citation : sooperkanoon.com/1406617

Court : Kerala

Decided On : Dec-04-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : Crl.MC/9872/2023

Appellant : 1. E.K Susil Kumar

Respondent : 1. E.K Sheeba

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
MONDAY, THE 4TH DAY OF DECEMBER 2023 / 13TH AGRAHAYANA,
1945 CRL.MC NO. 9260 OF 2023 AGAINST THE ORDER/JUDGMENT
ST 697/2023 OF JUDICIAL MAGISTRATE OF FIRST CLASS
,TALIPARAMBA PETITIONERS/ACCUSED: E.K SUSIL KUMAR AGED
56 YEARS S/O MADHAVAN NAIR, M.M APARTMENT,
VELLIPARAMBA P.O, KOZHIKODE DISTRICT, PIN - 673008 BY ADVS.
SALIM V.S. SHANAVAS.S A.M.FOUSI A.B.AJIN
RESPONDENT(S)/COMPLAINANT: 1 CHANDRA SEKHARAN AGED 57
YEARS S/O. SIVARAMAN NAIR, PAWATH HOUSE, THERTHALLI
P.O,KANNUR DISTRICT, PIN - 670571 2 OFFICIAL LIQUIDATOR HIGH

COURT OF KERALA, COMPANY LAW BHAVAN 3RD FLOOR, BMC ROAD, THRIKKAKARA P.O, ERNAKULAM, PIN - 682021 3 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 BY ADV. SRI. M.P PRASANTH, PP SRI.K.MONI, SC, OFFICE OF THE OFFICIAL LIQUIDATOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04.12.2023, ALONG WITH CrI.MC.9324/2023, 9646/2023 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
MONDAY, THE 4TH DAY OF DECEMBER 2023 / 13TH AGRAHAYANA,
1945 CRL.MC NO. 9324 OF 2023 AGAINST THE ORDER/JUDGMENT
ST 3995/2015 OF JUDICIAL MAGISTRATE OF FIRST
CLASS,TALIPARAMBA PETITIONER(S)/ACCUSED: E.K SUSIL
KUMAR, AGED 56 YEARS S/O MADHAVAN NAIR, M.M APARTMENT,
VELLIPARAMBA P.O, KOZHIKODE DISTRICT, PIN - 673008 BY ADVS.
SALIM V.S. SHANAVAS.S A.M.FOUSHI A.B.AJIN
RESPONDENT(S)/COMPLAINANT:

1 SUKANYAMOL, AGED 34 YEARS W/O SREERAJ, THAVANIYANKAL
HOUSE, NADUVIL P.O, TALIPARAMBA TALUK, KANNUR DISTRICT,
PIN - 670582 2 OFFICIAL LIQUIDATOR, COMPANY LAW BHAVAN
3RD FLOOR, BMC ROAD, THRIKKAKARA P.O, ERNAKULAM, PIN -
682021 3 STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 BY
ADV.SRI.K.MONI, SC, OFFICE OF THE OFFICIAL LIQUIDATOR THIS
CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
04.12.2023, ALONG WITH CrI.MC.9260/2023 AND CONNECTED
CASES, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
MONDAY, THE 4TH DAY OF DECEMBER 2023 / 13TH AGRAHAYANA,
1945 CRL.MC NO. 9646 OF 2023 AGAINST THE ORDER/JUDGMENT
ST 698/2023 OF JUDICIAL MAGISTRATE OF FIRST CLASS
,TALIPARAMBA PETITIONER(S)/ACCUSED: E.K SUSIL KUMAR,
AGED 56 YEARS S/O MADHAVAN NAIR, M.M APARTMENT,
VELLIPARAMBA P.O, KOZHIKODE DISTRICT, PIN - 673008 BY ADVS.
SALIM V.S. SHANAVAS.S A.B.AJIN
RESPONDENT(S)/COMPLAINANT:

1 BINEESH K. A, AGED 35 YEARS S/O. BALAKRISHNAN,
KIZHAKKEPURAYIL HOUSE, CHUNDAKUNNU P.O, TALIPARAMBA
TALUK, KANNUR DISTRICT, PIN - 670632 2 OFFICIAL LIQUIDATOR
HIGH COURT OF KERALA, COMPANY LAW BHAVAN 3RD FLOOR,
BMC ROAD, THRIKKAKARA P.O, ERNAKULAM., PIN - 682021 3
STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 SRI.K.MONI,
SC, OFFICE OF THE OFFICIAL LIQUIDATOR THIS CRIMINAL MISC.
CASE HAVING COME UP FOR ADMISSION

ON 04.12.2023, ALONG WITH CrI.MC.9260/2023 AND CONNECTED
CASES, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
MONDAY, THE 4TH DAY OF DECEMBER 2023 / 13TH AGRAHAYANA,
1945 CRL.MC NO. 9872 OF 2023 AGAINST THE ORDER/JUDGMENT
ST 703/2023 OF JUDICIAL MAGISTRATE OF FIRST CLASS
,TALIPARAMBA PETITIONER(S)/ACCUSED: E.K SUSIL KUMAR,
AGED 56 YEARS S/O MADHAVAN NAIR, M.M APARTMENT,

VELLIPARAMBA P.O, KOZHIKODE DISTRICT, PIN - 673008 BY ADVS.
SALIM V.S. A.M.FOUSI A.B.AJIN SHANAVAS.S
RESPONDENT(S)/COMPLAINANT:

1 E.K SHEEBA, W/O. RAJEEVAN P.M, EANTHUMTHOTTATHIL
HOUSE, KAVUMBAL, KOOTTUMUGHAM P.O, KANNUR DISTRICT ,
PIN - 670631 2 OFFICIAL LIQUIDATOR HIGH COURT OF KERALA,
COMPANY LAW BHAVAN 3RD FLOOR, BMC ROAD, THRIKKAKARA
P.O, ERNAKULAM ., PIN - 682021 3 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA, PIN - 682031 SRI.K.MONI, SC, OFFICE OF THE OFFICIAL
LIQUIDATOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION

ON 04.12.2023, ALONG WITH CrI.MC.9260/2023 AND CONNECTED
CASES, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
MONDAY, THE 4TH DAY OF DECEMBER 2023 / 13TH AGRAHAYANA,
1945 CRL.MC NO. 9936 OF 2023 AGAINST THE ORDER/JUDGMENT
ST 699/2023 OF JUDICIAL MAGISTRATE OF FIRST CLASS
,TALIPARAMBA PETITIONER(S)/ACCUSED: E.K SUSIL KUMAR,
AGED 56 YEARS S/O MADHAVAN NAIR, M.M APARTMENT,
VELLIPARAMBA P.O, KOZHIKODE DISTRICT ., PIN - 673008 BY
ADVS. SALIM V.S. SHANAVAS.S A.M.FOUSI A.B.AJIN
RESPONDENT(S)/COMPLAINANT & STATE: 1 RESHMA ANIYAN,
AGED 41 YEARS, W/O. ANIYAN, MANNALAYIL HOUSE,
CHANDANAKAMPARA P.O, TALIPARAMBA TALUK, KANNUR
DISTRICT, PIN - 670631 2 OFFICIAL LIQUIDATOR HIGH COURT OF
KERALA, COMPANY LAW BHAVAN 3RD FLOOR, BMC ROAD,
THRIKKAKARA P.O, ERNAKULAM, PIN - 682021 3 STATE OF

KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04.12.2023, ALONG WITH Crl.MC.9260/2023 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J.

----- Dated this the
04th day of December, 2023

ORDER

These Criminal Miscellaneous Cases are filed to quash a Section 138 Negotiable Instruments Act proceedings based on Section 446 of the Companies Act.

2. In the light of the decision of this Court in

Devassy v. Official Liquidator [1997 (2) KLT 80], the same can not be quashed. If there is any other surviving grievance, the petitioner is free to file appropriate proceedings in accordance with law. Granting liberty to the petitioner to file appropriate proceedings in accordance with law, these Criminal Miscellaneous Cases are disposed of. Sd/- P.V.KUNHIKRISHNAN DM JUDGE APPENDIX OF CRL.MC 9324/2023 PETITIONER ANNEXURES ANNEXURE 1 THE CERTIFIED COPY OF THE COMPLAINT

DATED 29.10.2015 FILED BY THE 1ST RESPONDENT HEREIN BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, TALIPARAMBA.

ANNEXURE 2 TRUE COPY OF THE JUDGMENT DATED 04.02.2019 IN COMPANY PETITION NO KERALA . APPENDIX OF CRL.MC 9646/2023 PETITIONER ANNEXURES ANNEXURE 1 THE CERTIFIED COPY OF THE COMPLAINT FILED BY THE 1ST RESPONDENT HEREIN BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, TALIPARAMBA ANNEXURE 2 TRUE COPY OF THE JUDGMENT DATED 04.02.2019 IN COMPANY PETITION NO APPENDIX OF CRL.MC 9872/2023 PETITIONER ANNEXURES ANNEXURE

1 THE CERTIFIED COPY OF THE COMPLAINT

DATED 13.04.2016 FILED BY THE 1ST RESPONDENT HEREIN BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, TALIPARAMBA . ANNEXURE 2 TRUE COPY OF THE JUDGMENT DATED 04.02.2019 IN COMPANY PETITION NO APPENDIX OF CRL.MC 9936/2023 PETITIONER ANNEXURES ANNEXURE 1 THE CERTIFIED COPY OF THE COMPLAINT DATED 04.11.2015 FILED BY THE 1ST RESPONDENT HEREIN BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, TALIPARAMBA . ANNEXURE 2 TRUE COPY OF THE JUDGMENT DATED 04.02.2019 IN COMPANY PETITION NO APPENDIX OF CRL.MC 9260/2023 PETITIONER ANNEXURES ANNEXURE 1 THE CERTIFIED COPY OF THE COMPLAINT DATED 29.10.2015 FILED BY THE 1ST RESPONDENT HEREIN BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, TALIPARAMBA. ANNEXURE 2 TRUE COPY OF THE JUDGMENT DATED 04.02.2019 IN COMPANY PETITION NO RESPONDENTS EXHIBITS : NIL //TRUE COPY// PA TO JUDGE

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