

**Devanandan V.S. vs State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1440438](https://sooperkanoon.com/1440438)

**Court :** Kerala

**Decided On :** Mar-17-2022

**Judge :** Honourable Mr. Justice K.Haripal

**Appeal No. :** Crl.MC/86/2022

**Appellant :** Devanandan V.S.

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE K.HARIPAL THURSDAY, THE 17TH DAY OF MARCH 2022 / 26TH PHALGUNA, 1943 CRL.MC NO. 86 OF 2022 AGAINST THE ORDER/JUDGMENT IN CC 1194/2017 OF JUDICIAL MAGISTRATE OF FIRST CLASS -II, PALAKKAD PETITIONER/ACCUSED: DEVANANDAN V.S. AGED 42 YEARS S/O.SAHADEVAN, VALIYAPARAMBU HOUSE, NAMPULLIPURA POST, MUNDUR, PALAKKAD, PIN - 678 592. BY ADV NIREESH MATHEW RESPONDENTS/STATE & DE FACTO COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. 2 KRISHNAKUMAR S. AGED 44 YEARS S/O.SANKU, KRISHNA VIHAR, KUNNATHARA,

PAZHAYANNUR, KONGAD, PALAKKAD DISTRICT. OTHER  
PRESENT: SR.PP - SMT. SREEJA V. THIS CRIMINAL MISC. CASE  
HAVING COME UP FOR ADMISSION ON 17.03.2022, THE COURT ON  
THE SAME DAY PASSED THE FOLLOWING:

## **ORDER**

Petitioner is the sole accused in C.C. No. 1194 of 2017 on the file of the Judicial First Class Magistrate's Court-II, Palakkad which originated from the final report in Crime No. 875 of 2017 of Kongad police station.

2. That crime was registered on 16.09.2017 alleging

offence punishable under Section 420 of the IPC on the basis of a complaint given by the 2nd respondent, who was the Junior Inspector attached to Assistant Registrar (General) of Co- operative Societies, Palakkad. On routine inspection in Mundur Co-operative Rural Credit Society No. P-1354, the 2 nd respondent found that the petitioner had pledged spurious gold of 258.700 grams with the society on 22.04.2016 and 30.03.2017 and availed a loan of Rs.5,16,800/- and on that basis the crime was registered and after investigation, charge sheet was laid alleging offence under Section 420 of the IPC. Now contending that the entire amount has been repaid, proceedings are sought to be quashed by the petitioner, the

accused.

3. I heard the learned counsel for the petitioner and also the learned Senior Public Prosecutor who has confirmed the settlement.

4. It is shown that further statements of the 2 nd

respondent and Ravi Kumar who was the Inspector attached to the Assistant Registrar of the Co-operative Societies at that time and also Deepa V. A who is now holding charge of the Secretary of the Co-

operative Society indicate that the matter is settled. The Secretary has stated that immediately after registration of the crime the petitioner had repaid the entire amount, since the society has received the entire amount, it has not suffered any loss; it is stated that the society is not interested in continuing the proceedings.

5. Having regard to the nature of the allegations, it cannot

be said that this is a case does not have public interest. It is a case in which the petitioner had cheated the co-operative society by pledging spurious gold and availed more than rupees

five lakhs. However considering the fact that the Court is overburdened, and considering the futility of containing the proceedings in the circumstance the witnesses are not going to support the case, I am inclined to quash the proceedings taking into account the settlement reached and repayment of the amount by the petitioner. Entire proceedings in C.C. No. 1194 of 2017 on the file of the Judicial First Class Magistrate's Court-II, Palakkad are quashed and the petitioner shall stand exonerated. The Criminal Miscellaneous Case is allowed as above. Sd/- K. HARIPAL JUDGE

RMV/17/03/2022 APPENDIX OF CRL.MC 86/2022 PETITIONER ANNEXURES  
Annexure A CERTIFIED COPY OF THE FIR ALONG WITH F.I. STATEMENT IN  
CRIME NO.875/2017 OF KONGAD POLICE STATION. Annexure B  
PHOTOCOPY OF THE FINAL REPORT IN CRIME NO.875/2017 FILED BEFORE  
THE JUDL. FIRST CLASS MAGISTRATE COURT- II, PALAKKAD. Annexure C  
TRUE PHOTOCOPY OF THE RECEIPT 15/09/2017 ISSUED BY THE MUNDUR  
CO-OPERATIVE CREDIT SOCIETY LTD. TRUE COPY P.A.TO JUDGE

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