

MOHAMMAD RIYAS Vs State of Kerala

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Court : Kerala

Decided On : Feb-28-2022

Judge : Honourable Mr. Justice K.Haripal

Appeal No. : Crl.MC/1306/2022

Appellant : Mohammad Riyas

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE K.HARIPAL MONDAY, THE 28TH DAY OF FEBRUARY 2022 / 9TH PHALGUNA, 1943 PETITIONERS/ACCUSED 1 & 2: 1 MOHAMMAD RIYAS, AGED 48 YEARS, S/O P.MOOSA M.M.COTTAGE, SRM ROAD, ERNAKULAM NORTH.P.O., ERNAKULAM, PIN - 682018 2 AJEESH.S.C.BABU, AGED 39 YEARS, S/O BINU TC NO. 31/1459, SINDHU NIVAS, CHAKKA BYPASS, CHAKKA.P.O., THIRUVANANTHAPURAM, PIN - 695024 A.RAJASIMHAN VYKHARI.K.U K.KAVYA MOHAN RESPONDENTS/STATE ADN THE DE FACTO COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 2 HARIS.P.M., AGED 52 YEARS, S/O P.K MOHAMMED B2, FLAMINGO GREEN ACRES, TATAPURAM, ERNAKULAM,

PIN - 682031 S.RAJEEV S V.VINAY(K/355/2009) M.S.ANEER(K/644/2013) SARATH K.P.(K/001467/2021) SR.PP - SMT. SREEJA V. THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 28.02.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

The petitioners are accused in CC No.161/2018 on the file of the Chief Judicial Magistrate's Court, Ernakulam, which originated from the Final Report in Crime No.3211/2017 of Ernakulam Central Police Station, registered on 07.11.2017, alleging offences under Sections 420, 465, 467, 468, 471, 120B of the Indian Penal Code.

2. The allegation is that, the accused persons with the

intention of making unlawful gain, committed criminal conspiracy on 03.07.2017 at Raja Island Ayurveda Hospital at Chavakkad and made the de facto complainant believe that if he leaves the company-Mark and Orion Venture Pvt.Ltd., he would be paid Rs.5 Crores and then created a resignation letter as if he had signed the same and the 2 nd accused produced the same before the Registrar of Companies and got him removed from the company and committed offences punishable under Sections 420, 465, 467, 468, 471, 120B and 201 of the IPC.

3. Now, the matter is settled with the 2 nd respondent/de facto complainant and on that basis entire proceedings sought to be quashed under Section 482 of the Cr.P.C.

4. I have heard the learned counsel for the petitioners, learned Senior Public Prosecutor and also the learned counsel for the 2nd respondent. All have submitted that the matter is settled.

5. Annexure A3 affidavit of the 2nd respondent asserts that the matter stands settled with the petitioners. No public interest is involved in the case and he has no objection in quashing the proceedings. Therefore, entire proceedings in CC No.161/2018 on the file of

the Chief Judicial Magistrate's Court, Ernakulam, which originated from the Final Report in Crime No.3211/2017 of Ernakulam Central Police Station are quashed. The petitioners shall stand exonerated.

Crl.M.C is allowed. Sd/- K. HARIPAL JUDGE spk APPENDIX OF CRL.MC 1306/2022 PETITIONER ANNEXURES AnnexureA1 CERTIFIED COPY OF THE FIR NO. 3211/2017 DATED 7-11-2017 OF ERNAKULAM CENTRAL AnnexureA2 CERTIFIED COPY OF THE FINAL REPORT IN FIR NO. 3211/2017 OF ERNAKULAM CENTRAL AnnexureA3 ORIGINAL OF THE NOTARIZED AFFIDAVIT DATED 22-2-2022 OF THE 2ND RESPONDENT RESPONDENT'S/S ANNEXURES : NIL

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