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Suja Thomas vs State of Kerala

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Court : Kerala Orders

Decided On : Apr-04-2022

Judge : Honourable Mr.Justice Ziyad Rahman a.a.

Appeal No. : Crl.MC/6134/2021

Appellant : Suja Thomas

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A. MONDAY, THE 4TH DAY OF APRIL 2022 / 14TH CHAITHRA, 1944 CC 2040/2018 OF JMFC - VIII, ERNAKULAM CRIME NO.1730/2017 OF KADAVANTHRA POLICE STATION PETITIONER/ACCUSED 2 IN CC 2040/2018 OF JFMC VIII, ERNAKULAM: SUJA THOMAS AGED 62 YEARS W/O.THOMAS JOHN KITHU, KITHU HOUSE, KODANADU P.O. VIA THIRURANBALAM, ERNAKULAM 682 305 BY ADV PRAVEEN K. JOY RESPONDENT/STATE/COMPLAINANT IN CC 2040/18 OF JFMC VIII ERNAKULAM: 1 STATE OF KERALA REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM 682 031 2 M P SHYAM AGED 58 YEARS S/O.KRISHNAN, BHARGAVINILAYAM,

SATHRAM ROAD, DHARMADAM P.O., THALASSERY, KANNUR, NOW RESIDING AT AMBELIPADAM, ELAMKULAM, COCHIN 682 019 BY ADVS. M.S.UNNIKRISHNAN K.SUNIL ALEENA MARIA JOSE M.ARDRA KRISHNAN KRISHNENDU.D ADV. SUDHEER GOPALAKRISHANAN - PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04.04.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

The petitioner is the 2nd accused in C.C. No.2040/2018 on the file of Judicial First Class Magistrate Court - VIII, Ernakulam. The aforesaid case arises from Crime No.1730/2017 of Kadavanthara Police Station which was registered for the offences punishable under Sections 464, 468, 471 read with Section 34 of Indian Penal Code.

2. The case of the prosecution is that, the accused persons

including the petitioner herein, in furtherance of common intention, altered a registered document by incorporating the name of the 1 st accused as an additional witness to the said document. Later, the aforesaid document was used by the 2nd petitioner as the prior document of her title deed in respect of the property. It is also alleged that in connection with a civil litigation between the petitioner and the de facto complainant, the said document with the alleged alterations were produced and relied on to substantiate her contentions. Annexure 10 is the Final Report submitted by the Police after completing the investigation thereon. This Crl.M.C. is filed by the petitioner praying for quashing the proceedings against her pursuant to Annexure 10.

3. Heard Sri.Praveen K. Joy, learned counsel appearing for

the petitioner, Sri.Sudheer Gopalakrishnan, learned Public Prosecutor appearing for the State and Sri.M.S.Unnikrishnan, learned counsel appearing for the 2nd respondent/ de facto complainant.

4. When this Crl.M.C. came up for consideration, it was

submitted by the petitioner that, subsequent to the filing of the petition, a further investigation is ordered and the same is ongoing. In such circumstances he wants to withdraw this Crl.M.C. without prejudice to his contentions and the rights to challenge the further report, if any filed in the aforesaid case. In such circumstances, this Crl.M.C. is dismissed as withdrawn, leaving open all his rights, remedies and contentions. Sd/- ZIYAD RAHMAN A.A. JUDGE SCS APPENDIX OF CRL.MC 6134/2021 PETITIONER ANNEXURES Annexure 1 THE TRUE COPY OF THE TITTLE DEED WITH NO.4580/1993 EXECUTED AT SRO, MARADU Annexure 2 THE TRUE COPY OF THE FIR 176/13 OF KADAVANTHRA POLICE STATION DATED 16.2.2013 Annexure 3 THE TRUE COPY OF THE REFER FINAL REPORT IN FIR 176/13 OF KDAVANTHRA POLICE STATION Annexure 4 TRUE COPY OF THE JUDGMENT IN CRL.MC NO.2351/2014 DATED 8.12.2017 Annexure 5 TRUE COPY OF THE OS 357/2013 DATED 15.4.2013 BEFORE MUNSIFF COURT, ERNAKULAM Annexure 6 THE TRUE COPY OF THE WRITTEN STATEMENT IN OS 357/13 DATED 18.6.14 BEFORE 2ND ADDITIONAL MUNSIFF COURT. Annexure 7 THE TRUE COPY OF THE PLAINT IN OS MUNSIFF COURT. Annexure 8 THE TRUE COPY OF THE PRIVATE COMPLAINT CMP 1934/17 BEFORE JUDICIAL FIRST CLASS MAGISTRATE COURT-VIII, ERNAKULAM DATED 10.10.17. Annexure 9 THE TRUE COPY OF THE FIR NO.1730/17 DATED 1.11.17 OF KDAVANTHRA POLICE STATION OF JFCM-VIII, ERNAKULAM. Annexure A10 THE CERTIFIED COPY OF THE FINAL REPORT IN CC 2040/18 DATED 19.6.18 OF JFCM-VIII, ERNAKULAM.

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