

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

WEDNESDAY, THE 1ST DAY OF NOVEMBER 2023 / 10TH KARTHIKA, 1945

CRL.MC NO. 1753 OF 2023

CRIME NO.150/2023 OF Adimaly Police Station, Idukki

PETITIONER/ACCUSED:

BENNY P.P
AGED 53 YEARS
SON OF PAULOSE, RESIDING AT PARACKEL HOUSE,
KUNNAYEKKAL KARA, VALAKOM VILLAGE,
MUVATTUPUZHA TALUK, ERNAKULAM DISTRICT - 682316
BY ADVS.
PEEYUS A.KOTTAM
RAGESH CHAND R.G.

RESPONDENTS/STATE/DEFACTO COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM,
COCHIN, PIN - 682031
- 2 STATION HOUSE OFFICER
ADIMALY POLICE STATION, ADIMALI - RAJAKAD ROAD,
POLINJAPALAM, ADIMALI, KERALA, PIN - 685561
- 3 NAVAS CHERUMMOTTIL
RESIDING AT CHERUMMOTTIL HOUSE, ADIMALI HOUSE,
MANNAMKANDOM VILLAGE, DEVICOLUM TALUK,
PIN - 685561
BY ADVS.
PUBLIC PROSECUTOR
Babu S. Nair

OTHER PRESENT:

SRI HRITHWIK CS, PP

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 01.11.2023, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:**

P.V.KUNHIKRISHNAN, J.

Crl.M.C. No.1753 of 2023

Dated this the 01st day of November, 2023

ORDER

This Criminal Miscellaneous Case is filed to quash the FIR in Crime No.150/2023 of Adimaly Police station. The above case is registered alleging offences punishable under Sections 415, 420 and 424 of the Indian Penal Code.

2. Admittedly, the case is under investigation. According to the petitioner, this is only a transaction of Hitachi Poclain. The counsel also submitted that civil case is also pending. Whatever that may be, these are matters to be investigated by the Investigating Officer. If it is purely a civil dispute, definitely the Police will refer the matter. This Court need not interfere with the investigation, if it is going on. If any final report is filed, the petitioner is free to file a fresh criminal miscellaneous case to quash the final report. I also make it clear that if the presence of the petitioner is necessary, the Investigating Officer shall issue notice under Section 41A Cr.P.C. to the petitioner.

Granting liberty to the petitioner to challenge the final report, if any, filed, this criminal miscellaneous case is closed. The Investigating Officer will expedite the investigation and submit the final report as expeditiously as possible.

JV

sd/-
P.V.KUNHIKRISHNAN
JUDGE

APPENDIX OF CRL.MC 1753/2023

PETITIONER ANNEXURES

- Annexure A1 THE TRUE COPY OF THE AGREEMENT DATED 18.09.2020 EXECUTED BETWEEN THE PETITIONER AND 3RD RESPONDENT
- Annexure A2 TRUE COPY OF THE O.S.NO. 40/2023 FILED BY THE PETITIONER BEFORE THE MUNSIF COURT, MUVATTUPUZHA ON 01.02.2023
- Annexure A3 THE TRUE COPY OF THE COMPLAINT FILED BY THE 3RD RESPONDENT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, ADIMALI
- Annexure A4 THE TRUE COPY OF THE FIR REGISTERED IN PURSUANT TO ANNEXURE-A3 COMPLAINT BY THE ADIMALI POLICE STATION AS FIR 150/2023