

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE -I, TIRUR	
Present:- Sri Pradheep K U Judicial First Class Magistrate, Tirur	
Dated this the 9 th day of June, 2026 (19 th day of Jeshdam, 1948 S.E)	
<u>CC 1026/2018</u>	
Complainant	: Abdul Rasheed, S/o. Abdusamad, Pallikkara (H), Irimpiliyam P.O, Tirur Taluk, PIN – 676 572 (By Adv. K.T Ajayan)
Accused	: Moideenkutty. K, S/o. Beeranmolla, Karinkurayil (H), Vadakkumbram P.O., Tirur Taluk. PIN- 676 552 (By Adv. P. Najmudheen)
Offences alleged	: U/s. 420,506(i) of IPC.
Order	: Accused is discharged under Section 245(1) of the Cr.PC. He is set at liberty. His bail bond stand cancelled.

This case having been finally heard on 03-06-2026, and this court delivered the following :

ORDER

This case was instituted on the basis of a private complaint filed under Section 190(1)(a) of the Code of Criminal Procedure, 1973.

2. The case of the complainant, in brief, is as follows: The complainant and the accused were working in the same institution. According to the complainant, the accused was engaged in the business of lending money on interest. The

complainant had earlier borrowed money from the accused. In the year 2017, when the complainant was facing financial difficulties, he approached the accused seeking a loan of ₹1,00,000/-. At that time, the accused informed him that he was unable to lend the amount directly, but promised to arrange the loan through another person. As consideration for arranging the loan, the accused allegedly demanded ₹5,000/-. The accused also obtained two stamp papers worth ₹50/- each and a cheque belonging to the complainant drawn on the State Bank of Travancore, Pulamanthole Branch. It is alleged that, despite obtaining the aforesaid documents, the accused neither paid the amount nor arranged the loan. However, he allegedly demanded ₹5,000/- per month as interest on the principal amount of ₹1,00,000/-. The complainant further alleged that, upon enquiry, he came to know that the accused was involved in several financial frauds and that such facts were known to the Vice Principal of the school where both of them were employed. The accused allegedly started threatening the complainant and demanding interest. According to the complainant, on 26.04.2017, the accused threatened him while claiming interest and thereby disturbed his peaceful life. It was also alleged that the accused was a person of considerable influence. Though the complainant approached the police, no case was registered. Hence, the present complaint was filed.

3. Upon presentation of the complaint, the learned predecessor in this Court conducted an enquiry under Chapter XV of the Code of Criminal Procedure and found prima facie materials disclosing offences punishable under Sections 420 and 506(i) of the Indian Penal Code. Accordingly, cognizance was taken of the said

offences, and the case was registered on the file of this Court, in the present number.

4. After registration of the case, a summons was issued to the accused. In response thereto, the accused entered appearance and was enlarged on bail. A copy of the complaint was furnished to him. Thereafter, the case was posted for the complainant's evidence under Section 244 Cr.P.C. During the pre-charge evidence stage, the complainant was examined as PW1. No documents were marked on the complainant's side.

5. Heard both sides and perused the records.

6. The following points arise for consideration:

1. Whether the complainant has adduced evidence to prima facie establish the offences for which cognizance was taken?

2. Whether the accused is entitled to be discharged under Section 245(1) Cr.P.C.?

7. **Point Nos. 1 & 2:-** Both points are discussed together for convenience and brevity. During the pre-charge evidence, the complainant was examined as PW1. PW1 deposed that he had filed the complaint alleging that the accused had deceived and threatened him. However, he further stated that the complaint had been filed on account of certain misconceptions prevailing at that time. He categorically stated that he had not suffered any loss due to any act of the accused. PW1 further deposed that the matter had subsequently been settled between him and the accused and that he did

not wish to pursue the complaint any further. He also stated that he had no grievance or complaint against the accused. PW1 further made it clear that he did not intend to adduce any further evidence or examine any of the witnesses cited in the complaint.

8. On an evaluation of the evidence adduced, it is evident that the testimony of PW1 does not disclose the essential ingredients of the offences for which cognizance was taken. No material has been brought on record to prima facie establish the commission of any offence by the accused. On the contrary, PW1 has specifically stated that the complaint was filed due to certain misconceptions and that no loss had been caused to him on account of the alleged acts of the accused. He has also expressed his unwillingness to pursue the proceedings further.

9. In the absence of any other evidence, and in view of the testimony of PW1, this Court finds that no prima facie case has been made out against the accused. The evidence adduced by the complainant is wholly insufficient to establish the ingredients of the offences alleged or to warrant framing of a charge against the accused.

10. Therefore, upon considering all the evidence referred to in Section 244 Cr.P.C., this Court is of the opinion that no case against the accused has been made out which, if unrebutted, would warrant his conviction. Consequently, the accused is entitled to be discharged under Section 245(1) Cr.P.C. These points are answered accordingly.

11. In the result, the accused is discharged under Section 245(1) of the Code of Criminal Procedure. The accused is set at liberty forthwith. The bail bond executed by the accused shall stand cancelled. The sureties are discharged.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court, this the 9th day of June 2026).

Sd/-

Judicial First Class Magistrate
Tirur

APPENDIX

WITNESS EXAMINED FOR THE PROSECUTION

Prosecution Witness No.	Name of Witness	Description
PW1	Abdul Rasheed	Complainant

EXHIBITS MARKED FOR THE PROSECUTION

Nil

WITNESS EXAMINED FOR THE DEFENCE

Nil

EXHIBITS MARKED FOR THE DEFENCE

Nil

MATERIAL OBJECTS

Nil

Sd/-

Judicial First Class Magistrate-I,
Tirur