



2025:KER:14841

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 20TH DAY OF FEBRUARY 2025/1ST PHALGUNA, 1946

CRL.MC NO. 5266 OF 2021

CRIME NO.283/2017 OF PANAMARAM POLICE STATION, WAYANAD

AGAINST THE ORDER/JUDGMENT IN CC NO.283 OF 2017 OF JUDICIAL

MAGISTRATE OF FIRST CLASS, MANANTHAVADY

PETITIONER/ACCUSED NO.1:

THOMAS CHACKO @ PC THOMAS,
AGED 43 YEARS, S/O. PM CHACKO,
PUTHENVEETIL HOUSE, CHERUKATTOOR P.O.,
PANAMARAM, WAYANAD DISTRICT-670 721.

BY ADVS.
AJIT JOY
ABDUL HAMEED RAFI (K/1004/2011)

RESPONDENTS/DE FACTO COMPLAINANT & STATE:

- 1 MITRAN DUMONT,
AGED 72 YEARS, S/O.LATE RAYMONT DUMONT,
SNEHA SAKTHI HOUSE, KUZHINILAM, VIMALA NAGAR P.O.,
MANANTHAVADY WAYANAD DISTRICT, PIN-673 022.
- 2 STATE OF KERALA,
STATION HOUSE OFFICER, PANAMARAM POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM DISTRICT, PIN-682 031.

SMT. PUSHPALATHA. M.K, SR.PP.

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
20.02.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



O R D E R

Dated this the 20th day of February, 2025

Petitioner is the 1st accused in C.C No. 283 of 2017 pending on the files of the Judicial First Class Magistrate Court-I, Mananthavady. The case originated from Crime No.72 of 2013 registered at the Panamaram Police Station for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code. The petitioner's brother, who is the 2nd accused in the crime, approached this Court challenging his prosecution and as per the order in Crl.MC No.2373 of 2014, proceedings against the 2nd accused was quashed.

2. Learned Counsel for the petitioner submits that, even accepting the prosecution allegations in their entirety, offence will not be attracted as against the petitioner. The allegation is that the 2nd accused



had collected Rs. 27 lakhs by promising to arrange the marriage of the petitioner with the de facto complainant's daughter. The 2nd accused failed to abide by his promise and on the defacto complainant demanding refund of the amount collected, Rs. 13 lakhs alone was repaid and for the balance, an agreement was entered into. As per the terms of that agreement, 2nd accused had to repay the balance amount in two installments. Learned Counsel contended that, if at all the 2nd accused had promised to conduct the marriage of the petitioner with the de facto complainant's daughter, that was done without the petitioner's knowledge or consent. The petitioner is not a party to the agreement entered between the 2nd accused and the de facto complainant. Moreover, with respect to that agreement, in Crl.MC No.2373 of 2014, this court has observed that the remedy is to move the civil



court and criminal proceedings cannot be initiated for violation of the terms of the agreement.

3. I heard the learned Public Prosecutor also.

4. On scrutiny of the records, there appears to be substance in the contentions urged by the learned Counsel for the petitioner. As submitted, there is nothing to indicate that the 2nd accused had collected money from the de facto complainant with the petitioner's consent. Further, petitioner is not a party or a signatory to the agreement entered into between the 2nd accused and the de facto complainant. More importantly, criminal proceedings against the 2nd accused, who allegedly made the promise, collected the amount and executed the agreement is quashed by this Court. In such circumstances, continuance of the proceedings against the petitioner will be an abuse of process of court.



In the result, the Criminal Miscellaneous Case is allowed. Annexure-I final report in Crime No.72 of 2013 of the Panamaram Police Station and all further proceedings in C.C No. 283 of 2017 on the files of the Judicial First Class Magistrate Court-I, Mananthavady, as against the petitioner, are quashed.

Sd/-

**V.G.ARUN
JUDGE**

ARK



APPENDIX OF CRL.MC 5266/2021

PETITIONER ANNEXURES

- ANNEXURE I CERTIFIED COPY OF THE CHARGE SHEET IN CRIME NO.72/2013 OF PANAMARAM POLICE STATION NUMBERED AS C.C.283/17 PENDING NOW IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE-I, MANANTHAVADI.
- ANNEXURE 2 CERTIFIED COPY OF THE SEIZURE MAHAZER DATED 16.2.13 SUBMITTED BY THE INVESTIGATING OFFICER IN THE COURT JUDICIAL FIRST CLASS MAGISTRATE-I, MANANTHAVADI.
- ANNEXURE-3 A TRUE COPY OF THE JUDGMENT DATED 11.04.2017 IN CRL MC 2373/2014