IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 12TH DAY OF DECEMBER 2024 / 21ST AGRAHAYANA, 1946

CRL.MC NO. 9331 OF 2024

CRIME NO.177/2024 OF Muvattupuzha Police Station, Ernakulam

PETITIONERS:

1 NASSAR
AGED 54 YEARS
S/O MUSTHAFA PUTHUKKADAN HOUSE,
VENGOLA P.O, PERUMBAVOOR, ERNAKULAM, PIN – 683547

2 RASSIYA
AGED 50 YEARS
W/O NASSAR PUTHUKKADAN HOUSE,
VENGOLA P.O, PERUMBAVOOR, ERNAKULAM, PIN – 683547

BY ADVS.
ENOCH DAVID SIMON JOEL
S.SREEDEV
RONY JOSE
LEO LUKOSE
KAROL MATHEWS SEBASTIAN ALENCHERRY
DERICK MATHAI SAJI
KARAN SCARIA ABRAHAM
ITTOOP JOY THATTIL

RESPONDENT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN – 682031

BY SR.PP.C.S.HRITHWIK

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12.12.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Petitioners are the accused in crime No.177 of 2024 registered at the Muvattupuzha Police Station for offences punishable under Sections 465, 468, 471 & 34 of IPC.

2. The short facts are as under:-

Petitioners had, for the purpose of getting the nature of their land changed from paddy land to Purayidam, submitted an application in accordance with the provisions of the Kerala Conservation of Paddy Land and Wetland Act, 2008. The Junior Superintendent attached to the office of the Revenue Divisional Officer, Muvattupuzha, after verifying the documents produced along with the application, lodged a complaint, alleging forgery of the signature of the Revenue Divisional Officer in the order produced along with the application. Thereupon, Annexure A2 FIR was registered against the petitioners. This Crl.M.C is filed seeking to quash the FIR and further proceedings in Crime No. 177 of 2024 of the Muvattupuzha Police Station.

3. Learned counsel for the petitioners submits that

the Revenue Divisional Officer, whose signature is alleged to have been forged, has given Annexure A3 statement before the Investigating Officer asserting that the order was issued by him. Moreover, in Annexure A4 final report, the Investigating Officer has requested to treat the case as undetected, there being no possibility of collecting evidence against the petitioners in the near future. Learned counsel for the petitioners further submits that, the request to close the case as undetected has so far not been considered and, as a result, petitioners' application for conversion of the nature of their land is kept unattended.

5. I heard the learned Public Prosecutor also.

6. A careful perusal of the documents produced reveals complete absence of evidence to proceed against the petitioners for the alleged offence. On the other hand the Revenue Divisional Officer has categorically stated that he had issued the order containing the disputed signature. In such circumstances, the jurisdictional Magistrate ought to take up the final report filed as undetected and pass appropriate orders thereon without further delay.

The Crl.M.C is accordingly disposed of, by directing the Judicial Magistrate of First Class-I, Muvattupuzha to take appropriate decision on Annexure A4 final report, within one month of receipt of a copy of this judgment.

Sd/-

V.G.ARUN

JUDGE

SPV

APPENDIX OF CRL.MC 9331/2024

PETITIONER'S ANNEXURES

ANNEXURE A1	**A CERTIFIED COPY OF THE STATEMENT DATED 25.01.2024 GIVEN BY SRI BIJU V.P, JUNIOR SUPERINTENDENT ATTACHED TO THE OFFICE OF THE REVENUE DIVISIONAL OFFICER (RDO), MUVATTUPUZHA.**
ANNEXURE A2	**A CERTIFIED COPY OF THE FIR IN CRIME NO 177/2024 OF MUVATTUPUZHA POLICE STATION DATED 25.01.2024 REGISTERED AGAINST THE PETITIONERS.**
ANNEXURE A3	**A CERTIFIED COPY OF THE STATEMENT DATED 15.04.2024 GIVEN BY SRI. SANTHOSH P.N.**
ANNEXURE A4	**A CERTIFIED COPY OF THE FINAL REPORT DATED 10.06.2024 SUBMITTED BEFORE THE JUDICIAL 1ST CLASS MAGISTRATE, MUVATTUPUZHA IN CRIME NO. 177/2024 OF MUVATTUPUZHA POLICE STATION.**

RESPONDENTS' ANNEXURES: NIL

//TRUE COPY//

PA TO JUDGE