

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE, CHAVAKKAD
Present: Smt. Saarika Sathyan V., Judicial First Class Magistrate
Dated this, 28th day of May, 2025

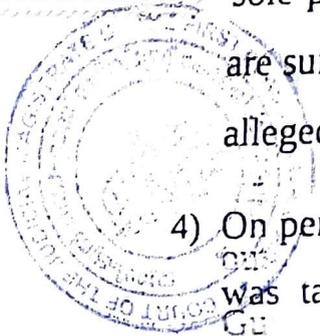
CrI. M.P. No. 7581/2024

Complainant : Panikkaveettil K. Jabir, Ovungal, Chavakkad, Thrissur, District, Kerala. Now residing at 5th Floor, Metro Plaza Building, Market road, Kochi.
(By Advs. Shine Varghese, John S. Ralph & Joseph K.J.)

Respondent : Panikkaveettil Abdul Jaleel, S/o Moideenkutty, Panikkaveettil Kottukkal, Alumpadi, P O Chavakkad, Now residing near Pookalathai temple, Brahmakulam, Thykkad.

ORDER

- 1) This is a complaint filed by the complainant u/s. 190 r/w 200 of Cr.P.C.
- 2) The case of the complainant in brief is that: The complainant and the accused are brothers. The complainant by his effort, had acquired two commercial establishment at Abu Dhabi in the style and name of Ramla Electro Mechanical Establishment and Summer Pool Building Material Trading establishment. These two establishments were given to the respondent as power of attorney. The respondent obtained a huge profit through the business and the properties belongs to the complainant sold out at Abu Dhabi and the respondent purchased land properties etc at Guruvayur by using the income obtained from the above firms and thereby cheated the complainant. The respondent is thereby alleged to have committed offences u/s. 403, 406, and 420 of Indian Penal Code.
- 3) Heard the learned counsel for the complainant. Perused the records. The sole point that arises for consideration in this complaint is whether there are sufficient grounds to proceed as against the respondent for the offences alleged against him.
- 4) On perusal of records it is found that as per order in M.P 8515/2012 case was taken on file as CC884/2014 against respondent alleging offence punishable under section 403, 405 and 420 of IPC.



- 5) Thereafter as per order in CrI M.C 1755/2017 dated 22/08/2024 of Hon'ble High Court, the Hon'ble Court set aside the order taking cognisance and directed this court to reconsider the matter in the light of the principles laid down in Parameshwaran Nair vs Surendran (2009 (1) KLT 794) and Kader vs State of Kerala (1999 (3) KLT 55) and also in the light of the refer report in Crime No. 437/2008 of Guruvayoor Police Station. Hence case was refiled as CMP 7581/2024.
- 6) While going through the refer report filed in Crime No. 437/2008 of Guruvayoor Police Station, it is revealed that the said report has been filed stating the matter as 'mistake of fact'. Further it is found that a detailed investigation was carried in the matter. From the report it is evident that the allegation made against the accused is not true as it has come out from the investigation that institution which was entrusted as per power of attorney by the complainant to accused is not that of the complainant and belongs to Isa Ahmed Jafar. It has also come out from the investigation that complainant had not revealed the truth.
- 7) On going through the entire records, it is satisfied that there are no sufficient ground to vigour the criminal law in motion. It is found that there is no reason to devoid the refer report filed in this case to come to a conclusion that there is prima facie a triable case at hand. Therefore, I am of the opinion that this complaint deserves nothing but dismissal and is to be dismissed. Hence the complaint is dismissed.

Pronounced by me in open court, this the 28th day of May 2025.

No. of Pages 20 Stamps worth

Rs. 3

[Signature]
 Judicial First Class Magistrate, Chavakad.

TRUE PHOTOSTAT COPY

By Order

[Signature]

Junior Superintendent
 Court of the Judicial First Class Magistrate
 Chavakad

