

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2026
(Arising out of S.L.P. (Cr1.) No. 16282 of 2024)

THE BRANCH MANAGER,
KERALA FINANCIAL CORPORATION (KFC) ...Appellant

VERSUS

MUHAMMED IQBAL & ORS. ...Respondents

O R D E R

- 1) Leave granted.
- 2) We have heard the learned Senior Counsel appearing for the parties.
- 3) Respondent No.1 entered into an agreement for sale of landed property with respondent No.6. Subsequently, respondent Nos.6 and 7 mortgaged the property with the appellant to obtain a loan of Rs.40 lakhs by pledging original title deeds. Thereafter, a criminal case was initiated by respondent No.1 for impersonation allegedly at the behest of respondent Nos. 6 and 7. During investigation, the title deeds were seized from the possession of the appellant.
- 4) Cognizance was taken by the Special Court based on

the final report. Thereafter, an application under Section 451 of the Criminal Procedure Code, 1973 (for short, 'CrPC') was preferred by respondent No.1, which was dismissed by the Special Court vide order dated 05.05.2022 on the ground that, at the preliminary stage, the seized title deeds cannot be released since it will detrimentally affect the proper trial of the case. Aggrieved by the said order, a criminal miscellaneous case was preferred by respondent No.1 before the High Court.

5) The High Court of Kerala vide the impugned order, while imposing conditions, directed the Special Court to hand over the seized title deeds in favour of the respondent No.1.

6) It is the say of the learned Senior Counsel for the appellant, which is a State Financial Corporation incorporated under a Statute, that the documents having been received from its custody ought not to have been given in favour of the respondent No.1.

7) The learned Senior Counsel appearing for the appellant further submits that the appellant is neither an accused nor a complainant. In any case, the appellant is not a party to the criminal proceedings.

8) On the other hand, the learned Senior Counsel appearing for the respondent(s) submits that the order has been passed by the High Court with the conditions attached and the title lies with the respondent No.1.

9) In our considered view, the High Court ought not to have allowed the criminal miscellaneous case in view of the issues involved in the instant case.

10) Suffice it to state that, while concurring with the submission made by the learned Senior Counsel appearing for the appellant, we are conscious of the fact that we are dealing with an application under Section 451 of the Cr.P.C. filed in a criminal case in which, the appellant has no axe to grind.

11) In such view of the matter, we have no hesitation in setting aside the impugned order passed by the High Court, particularly, when the documents have been received from the appellant's possession.

12) Accordingly, the impugned order passed by the High Court of Kerala in Criminal Miscellaneous Case No.4484 of 2022, stands set aside with a direction to the respondent No.1 to deposit the documents in the Special Court within a period of four weeks from today, which shall then be handed

over to the appellant.

13) We make it clear that the title deeds handed over to the appellant shall be kept in their safe custody, and the same shall be produced before the Special Court as and when any necessity arises.

14) Accordingly, the appeal stands allowed in the above terms.

15) Pending application(s), if any, shall stand disposed of.

.....J.
(M.M. SUNDRESH)

.....J.
(PRASANNA B. VARALE)

NEW DELHI;
AUGUST 18, 2026.

ITEM NO.31

COURT NO.4

SECTION II-D

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 16282/2024

[Arising out of impugned final judgment and order dated 07-10-2024 in CRLMC No. 4484/2022 passed by the High Court of Kerala at Ernakulam]

THE BRANCH MANAGER,
KERALA FINANCIAL CORPORATION (KFC)

Petitioner(s)

VERSUS

MUHAMMED IQBAL & ORS.

Respondent(s)

FOR ADMISSION

IA No. 213150/2026 - CLARIFICATION/DIRECTION

Date : 18-08-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) :Mr. V. Chitambaresh, Sr. Adv.
Mr. Karthik S.D., AOR
Mr. C. Govind Venugopal, Adv.

For Respondent(s) :Mr. S.P. Chaly, Sr. Adv.
Mr. Roy Abraham, Adv.
Ms. Reena Roy, Adv.
Mr. Akhil Abraham Roy, Adv.
Mr. Adithya Koshy Roy, Adv.
Mr. Yaduinder Lal, Adv.
Ms. Rajni Ohri Lal, Adv.
Mr. Himinder Lal, AOR

Mr. Harshad V. Hameed, AOR

Upon hearing the counsel, the Court made the following
O R D E R

1) Leave granted.

2) It has been submitted by the learned counsel that

respondent Nos. 5 and 9 are proforma respondents. Accordingly, the said respondents be deleted from the array of parties. Cause title may be amended accordingly.

3) The appeal stands allowed in terms of the signed order.

4) Pending application(s), if any, shall stand disposed of.

(SHUBHAM SONI)
COURT MASTER (SH)

(POONAM VAID)
ASSISTANT REGISTRAR

(Signed order is placed on the file)