

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

Cr1.MC.No. 310 of 2015

CRIME NO. 319/2014 OF KOLATHUR POLICE STATION, MALAPPURAM

PETITIONER/ACCUSED:

SUNITHA, AGED 25 YEARS,
D/O. VELU, PARIYANITHODI, PANGU CHENDI P.O,
PERINTHALMANNA TALUK,
MALAPPURAM DISTRICT.

BY ADVS. SMT. A.R. USHA
SRI. C. S. YESUDAS

RESPONDENTS/COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
2. A.P. MINI,
W/O. M.P. GOPI, MELEPPALLIYAIL HOUSE,
PAUS CHENDI P.O,
KOLATHUR, PERINTHALMANNA,
MALAPPURAM DISTRICT.

R1 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1 : COPY OF THE FIR IN CRIME NO.319/2014 OF JUDICIAL
FIRST CLASS MAGISTRATE COURT I, PERINTHALMANNA DATED
30-08-2014.

ANNEXURE A2 : COPY OF THE COMPLAINT FILED BY THE DEFACTO
COMPLAINANT BEFORE THE SHO KOLATHUR POLICE STATION DATED
30-08-2014.

ANNEXURE A3 : COPY OF THE COMPLAINT FILED BY THE DEFACTO
COMPLAINANT BEFORE THE SHO KULATHUR POLICE STATION DATED
24-03-2014.

ANNEXURE A4 : COPY OF THE COMPLAINT FILED BY THE DEFACTO
COMPLAINANT BEFORE THE SUPERINTENDENT OF POLICE, MALAPPURAM
DISTRICT, DATED 01-08-2014.

ANNEXURE A5 : COPY OF THE COMPLAINT FILED BY THE
PETITIONER/ACCUSED BEFORE THE SHO KOLATHUR POLICE STATION
DATED 17-08-2014.

ANNEXURE A6 : COPY OF THE RECEIPT DATED 17-08-2014 ISSUED BY
THE SHO KOLATHUR POLICE STATION.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No. 310 of 2015

Dated this the 7th day of October, 2015

O R D E R

The petitioner herein seeks orders quashing the FIR and further proceedings in Crime No.319/2014 of the Kolathur Police Station, registered under Section 294(b) of the Indian Penal Code and Section 3(1)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. The grievance of the victim of offence is that she was humiliated and abused by the petitioner herein in public view on the ground that she is a member of scheduled caste. The petitioner seeks orders quashing the prosecution on the ground that the complaint is a false one, and it does not contain the essentials of the offence alleged.

2. The Deputy Superintendent of Police, Perinthalmanna has filed statement that the police has already submitted final report before the trial court, and the case is now pending as S.C No.164/2015. On a perusal of the statement of objection and the petition filed by the petitioner, and also on an examination of the complaint in this case, I find that the present prosecution cannot be quashed under Section 482 of the Code of

Criminal Procedure. The complaint shows that some abuse or humiliation was made in the presence of others. Whether the complaint is true or false cannot be decided by the High Court under Section 482 of the Code of Criminal Procedure. I find that the petitioner does not have any specific reason or ground to quash the prosecution. When she brought this petition, the crime was under investigation. It is reported that the case is now pending before the Court of Session as S.C No.164/2015. In such a situation, this petition can be dismissed without prejudice to the right of the petitioner to seek other appropriate remedy as regards the final report, including application for discharge.

In the result, this Crl.M.C is dismissed in limine without being admitted to files, however, without prejudice to the right of the petitioner to seek other appropriate relief possible, as regards the final report, including an application for discharge.

**Sd/-
P.UBAID
JUDGE**

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