

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

Crl.MC.No. 703 of 2015 ()

CRIME NO. 2135/2014 OF ANGAMALY POLICE STATION, ERNAKULAM DISTRICT

PETITIONER(S)/ACCUSED 1 TO 3:

- 1. JOHNSON, AGED 29 YEARS, S/O. JOSE,
VALOORAN HOUSE, KARUKUTTY P.O.,
ERNAKULAM.**
- 2. SANGEETH BABU, AGED 20 YEARS,
W/O. SUDHARSHANAKUMAR, MULLAPPALLI VEEDU,
KORATTY CHETTARIKKARA,
KORATTY KIZHAKKUM MURI VILLAGE, THRISSUR DISTRICT.**
- 3. TINTO, AGED 20 YEARS, S/O. ANTONY,
POUTHUSSERY HOUSE, THIRUMUDI KUNNU KARA,
KORATTY KIZHAKKUM MURI VILLAGE, THRISSUR DISTRICT.**

**BY ADVS. SRI. E. C. POULOSE
SMT. BOBBY RAPHEAL. C**

RESPONDENT(S)/STATE & DE FACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN- 682 031.**
- 2. SINOJ, AGED 37 YEARS, S/O. SURENDRAN,
MALAYINMMEL HOUSE, MARANGADAM BHAGAM,
KARUKUTTY VILLAGE, ERNAKULAM DISTRICT- 683 278.**

**R1 BY PUBLIC PROSECUTOR SMT. P. MAYA
R2 BY ADV. SRI. K. I. SAGEER**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 05-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

Crl.MC.No. 703 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A1: CERTIFIED COPY OF THE FIR IN CRIME NO.2135/2014 OF ANGAMALY
POLICE STATION.**

**ANNEX-A2: CERTIFIED COPY OF REMAND REPORT OF ACCUSED 2 AND 3 IN THE
SAID CRIME.**

ANNEX-A3: AFFIDAVIT SWORN BY THE 2ND RESPONDENT DATED 29/1/2015.

RESPONDENT(S)' ANNEXURES: NIL

/TRUE COPY/

P.A.TO.JUDGE

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P.UBAID, J.

Crl. M.C No. 703 of 2015

Dated this the 5th day of March, 2015.

O R D E R

The petitioners herein seek orders quashing the FIR and further proceedings in Crime No. 2135 of 2014. The investigation is in progress. There is police report that the first petitioner is involved in so many crimes. Many of these crimes involve serious offences also. It would be inappropriate to quash the proceedings now at this stage and pass orders in favour of the first petitioner. Investigation will have to continue properly. If the petitioner is aggrieved by the final report, he can pursue appropriate relief possible under the law. At the stage of investigation this court cannot act under Section 482 Cr.P.C and quash the whole prosecution, especially when there is report that the first petitioner is involved in so many crimes, and that he is even in the list of rowdies in the police station.

2. Now a request comes from the others that the proceeding as regards them may be quashed. This is not the stage for such of course. Investigation is in progress and the final report is yet to come. If the proceedings as against the

petitioners 2 and 3 are quashed at this stage, it will definitely affect the pending investigation against the first accused. Of course, it is true that criminal prosecution can be quashed in part in relation to one or the other of the accused. Such a course can be resorted to during investigation, only in extreme cases where there is absolutely no material to proceed against one or the other. Here I do not find such a case. Let investigation proceed, and if the petitioners feel aggrieved by the final report, they can pursue appropriate relief under the law. The grievance of the first petitioner is that he has been in jail as a remand prisoner. The remedy is to apply for bail under the law, and not to get the prosecution as such quashed.

In the result, this CrlM.C is dismissed.

P.UBAID,
JUDGE