

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. 704 of 2015 ()

CRIME NO. 2137/2014 OF ANGAMALI POLICE STATION , ERNAKULAM

PETITIONER(S)/PETITIONERS/ACCUSED 1 TO 3:

- 1. JOHNSON AGED 29 YEARS
S/O JOSE, VALLOORAN 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, THIRUMUDIKKUNNU KARA
KORATTY KIZHAKKUM MURI VILLAGE, THRISSUR DISTRICT.**
- BY ADVS.SRI.E.C.POULOSE
SMT.BOBBOY RAPHEAL.C**

RESPONDENT(S)/RESPONDENTS/STATE AND DEFACTO COMPLAINANTS:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA
ERNAKULAM-682031.**
 - 2. AKHIL ASOK, AGED 25 YEARS
S/O ASOKAN, KALARICKAL VEEDU, AZHAKAM KARA
KANDESWARATH, MOOKKANNOOR VILLAGE
ERNAKULAM DISTRICT-683572.**
 - 3. VIPIN, AGED 30 YEARS
S/O PAPPACHAN, MYPAN HOUSE, MARANGADAM
PODUVAPURAM P.O., ERNAKULAM DISTRICT-683572.**
- R2-3 BY ADV. SRI.K.I.SAGEER
R1 BY PUBLIC PROSECUTOR**

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 05-03-2015, ALONG WITH CRMC. 703/2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 704 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

- ANNEXURE A1:** CERTIFIED COPY OF THE FIR IN CRIME NO.2137/2014 OF
ANGAMALY POLICE STATION.
- ANNEXURE A2:** CERTIFIED COPY OF REMAND REPORT OF ACCUSED 2 AND 3
IN THE SAID CRIME.
- ANNEXURE A3:** AFFIDAVIT SWORN BY THE 2ND RESPONDENT DATED
29.1.2015.
- ANNEXURE A4:** AFFIDAVIT SWORN BY THE 3RD RESPONDENT DATED
29.1.2015.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 704 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. 2137 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