

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYAISHTA, 1937

Crl.MC.No. 806 of 2015

**CC 2927/2014 OF JUDICIAL FIRST CLASS MAGISTRATE
COURT-II, THIRUVANANTHAPURAM
CRIME NO. 1421/2013 OF VALIYATHURA POLICE STATION , THIRUVANANDAPURAM**

PETITIONER(S)/ACCUSED:-:

**SHAHEEM SHAJAHAN, AGED 24 YEARS,
S/O.SHAJAHAN, RESIDING AT S.N.MANZIL, KAMUKARAKONAM
KANYAKULANGARA WARD, VEMBAYAM P.O., THEKKADA VILLAGE
VEMBAYAM PANCHAYAT, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.P.PUSHPARAJAN
SRI.S.RAVINDRAN NAIR**

RESPONDENTS:-:

- 1. THE STATION HOUSE OFFICER,
VALIYATHURA POLICE STATION,
THIRUVANANTHAPURAM - 695 008.**
- 2. ASSISTANT POLICE COMMISSIONER,
DCRB, THIRUVANANTHAPURAM CITY - 695 001.**
- 3. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 4. NEETHU MOHAN,
D/O.AMBIKA, C.P.5/248(760), MUTHANA C.A.NIVAS,
CHEMMARUTHI VILLAGE, CHIRAYINKEEZHU TALUK,
THIRUVANANTHAPURAM DISTRICT - 695 304.**

R1-3 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 02-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1. CERTIFIED COPY OF THE FINAL REPORT FILED BEFORE THE
JUDICIAL 1ST CLASS MAGISTRATE COURT-II, THIRUVANANTHAPURAM
DATED 03.09.2014 BY THE 3RD RESPONDENT.**

**ANNEXURE A2. TRUE COPY OF THE COMPLAINT OF THE 4TH RESPONDENT BEFORE
THE SATS DATED NIL.**

**ANNEXURE A3. TRUE COPY OF THE FIR NO.1421/2013 DATED 16.11.2013 OF
VALIYATHURA POLICE STATION ISSUED FROM THE JUDICIAL FIRST
CLASS MAGISTRATE COURT-II, THIRUVANANTHAPURAM.**

**ANNEXURE A4. TRUE COPY OF THE FIS OF THE 4TH RESPONDENT DATED
16.11.2013.**

**ANNEXURE A5. TRUE COPY OF THE OFFICIAL MEMORANDUM ISSUED FROM THE
COURT OF JUDICIAL MAGISTRATE OF THE FIRST CLASS-II,
THIRUVANANTHAPURAM.**

**ANNEXURE A6. TRUE COPY OF THE JUDGMENT IN W.P.(C)NO.24078/2014 DATED
14.11.2014.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. ABRAHAM MATHEW, J.

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Crl. M.C. No. 806 of 2015

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Dated this the 2nd day of June, 2015

ORDER

Petition filed under section 482 Cr.P.C.

2. Petitioner is one of the accused in C.C. No. 2927 of 2014 on the file of the Judicial Magistrate of the First Class-II, Thiruvananthapuram. He is charged with having committed the offences under sections 354A, 506 of IPC. The prayer is to quash the proceedings in the criminal case, mainly on the ground that the materials relied on by the prosecution do not disclose commission of any offences by him. If that is true, the remedy of the petitioner is to plead for discharge in the trial court. Section 482 Cr.P.C. cannot be invoked.

In the result, this Crl. M.C. is dismissed. The petitioner may plead for discharge.

Sd/-

**K. ABRAHAM MATHEW
JUDGE**

DST

//True Copy//

P.A. To Judge