

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 15TH DAY OF JUNE 2015/25TH JYAISHTA, 1937

Crl.MC.No.1083 of 2015

**CC NO.239/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I,KOLLAM.
CRIME NO.610/2012 OF ANCHALUMMOODU POLICE STATION,KOLLAM.**

..

PETITIONER/ACCUSED:

**S.RAJU,ADVOCATE,S/O.SANKARA PILLAI,
AGED 42 YEARS,MULLASSERIL VEEDU,
PERUMON.P.O,PERINAD,KOLLAM,PIN-691601.**

BY ADV.SRI.O.V.MANIPRASAD

RESPONDENTS/STATE AND THE DE-FACTO COMPLAINANT:

- 1. STATE OF KERALA,(SUB INSPECTOR OF POLICE,
ANCHALUMMOODU POLICE STATION,
CRIME NO.610/2012),REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.**
- 2. SMT.GOPIKA.S,AGED 35 YEARS,D/O.SUDHAMANI AMMA,
THIRUVATHIRA,THATTARKONAMCHERI,
THRIKKOVILVATTOM,THATTARKONAM.P.O,
KOLLAM DISTRICT,NOW AT TEACHER,
DEPARTMENT OF ENGLISH,
ACHARYA INSTITUTE OF MANAGEMENT AND SCIENCE,
IST CROSS,IST STAGE,PEENYA,BANGALURU,PIN-560058.**

**R1 BY PUBLIC PROSECUTOR SMT.REMA.R
R2 BY SRI.N.N.SUGUNAPALAN (SENIOR ADVOCATE.)
ADV. SRI.S.SUJIN**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 15-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE-A1:A TRUE COPY OF THE COMPLAINT MADE BY THE 2ND
RESPONDENT ON 02.06.2012 BEFORE THE SUB INSPECTOR OF
POLICE,KILIKOLLOOR POLICE,KILIKOLLOOR POLICE STATION.**

ANNEXURE-A2:A TRUE COPY OF THE SEARCH LIST DATED 14.06.2012.

**ANNEXURE-A3:A TRUE COPY OF THE SEARCH MEMO ALLEGEDLY SENT TO THE
COURT EVEN BEFORE THE ANNEXURE A2 WAS PREPARED.**

ANNEXURE-A4:A TRUE COPY OF THE REMAND APPLICATION.

**ANNEXURE-A5:A TRUE COPY OF THE ORDER DATED 14.06.2012 OF THE
LEARNED MAGISTRATE.**

**ANNEXURE-A6:A TRUE COPY OF THE REPORT DATED 16.06.2012 IN HINDU,
DESABHIMANI AND INDIAN EXPRESS.**

**ANNEXURE-A7:A TRUE COPY OF THE FIR AND FIS IN CRIME NO.610/2012 OF
ANCHALUMMOODU POLICE STATION.**

**ANNEXURE-A8:A TRUE COPY OF THE PRIVATE COMPLAINT FILED AS CMP
NO.4766/2012 .**

**ANNEXURE-A9:A TRUE COPY OF THE ORDER DATED 06.07.2013 OF THE JFCM-1,
KOLLAM IN CMP 4766/2012.**

**ANNEXURE-A10:A TRUE COPY OF THE PLAINT FILED AS OS.478/2013 ON THE
FILE OF THE PRINCIPAL MUNSIF COURT,KOLLAM.**

ANNEXURE-A11:TRUE COPIES OF THE RAILWAY TICKETS.

ANNEXURE-A12:TRUE COPY OF THE CHARGE SHEET.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

K. ABRAHAM MATHEW, J.

Crl.M.C. No.1083 of 2015

Dated this the 15th day of June 2015

O R D E R

Petition filed under Sec.482 Cr.P.C.

2. Petitioner is the accused in C.C. No.239 of 2014 on the file of the Judicial First Class Magistrate Court-I, Kollam. He is charged with having committed the offences under Secs.406, 417, 420 and 498A of Indian Penal Code. The prayer is to quash the proceedings in the criminal case on the ground that the materials relied on by the prosecution do not disclose any offence.

3. Heard the learned counsel for the petitioner and for the 2nd respondent and the learned Public Prosecutor.

4. If the materials filed in support of the final report do not reveal commission of any offence by the petitioner, his remedy is to plead for discharge.

5. Learned counsel submits that unless the proceedings is quashed, the petitioner will be compelled to appear before the court below.

6. The petitioner may file an application before the court below. If the petitioner files an application for exemption from appearance, the learned Magistrate may pass appropriate orders.

This Crl.M.C. is disposed of with the above observation.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True copy /

NS

P.A. To Judge