

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

Crl.MC.No. 1383 of 2015 ()

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CC 162/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ERNAKULAM
CRIME NO. 1190/2010 OF PALARIVATTOM POLICE STATION, ERNAKULAM DISTRICT
=====**

PETITIONERS/ACCUSED NOS.1 & 2:

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- 1. GIMSON GOPAL, AGED 35 YEARS
S/O. GOPALAKRISHNAN, ANACHERI HOUSE, IRIITI P.O.
IRITTI VILLAGE, KANNUR DISTRICT-670 703.**
 - 2. TONY CHITTETTKULAM, AGED 36 YEARS
S/O. JOSEPH VARGHESE, CHITTETTUKULAM HOUSE
THURUTHI P.O., ETTITHANAM KARA, THURUTHI VILLAGE
KOTTAYAM DISTRICT-686 535.**

BY ADV. SRI.P.A.MUJEEB

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

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- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
 - 2. ANITHA KUMARI , AGED 42 YEARS
KESAVANIYAM HOUSE, NEAR V-TULES, PUTHIYAKAVU
THRIPUNITHURA, ERNAKULAM DISTRICT-682 301.**

**R2 BY ADV. SRI.ANVER BASHEER
R1 BY PUBLIC PROSECUTOR SMT. P. MAYA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 06-04-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE A1 : COPY OF THE COMPLAINT FILED BY THE DEFACTO COMPLAINANT
BEFORE THE HON'BLE JUDICIAL FIRST CLASS MAGISTRATE
COURT-I, ERNAKULAM.**

**ANNEXURE A2 : CERTIFIED COPY OF ATHE FIR IN CRIME NO.1190/2010 OF
PALARIVATTOM POLICE STATION, ERNAKULAM.**

**ANNEXURE A3 : CERTIFIED COPY OF THE FINAL REPORT IN CC 162/2012 PENDING
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
ERNAKULAM.**

**ANNEXURE A4 : AFFIDAVIT SWORN BY THE DEFACTO COMPLAINANT/2ND
RESPONDENT.**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.1383 of 2015

Dated this the 6th day of April, 2015

O R D E R

The accused Nos.1 and 2 in C.C.No.162/2012 of the Judicial First Class Magistrate Court-I, Ernakulam, seek orders quashing the prosecution under Sections 406 and 420 IPC. Now, there is no representation for the petitioners. Even otherwise the request will have to be disallowed, because the offences are compoundable. The petitioners can very well approach the trial court under Section 320 Cr.P.C., for composition.

With these observation, this Crl.M.C. is closed.

Sd/-

P. UBAID, JUDGE

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