

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

Crl.MC.No.1488 of 2015

**CRMP NO.606/2009 of ENQUIRY COMMISSIONER & SPECIAL JUDGE, KOTTAYAM
CRIME NO.6/2015/ALP OF VACB,ALAPPUZHA.**

PETITIONER/IST ACCUSED:

**JOSE.R,CIRCLE INSPECTOR OF POLICE,MAVELIKARA,
RESIDING AT CHEMPARATHIL HOSUE,MAYILAPARA P.O.
PATHANAMTHITTA-689671.**

BY ADV. SRI.G.BHAGAVAT SINGH

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM-682031.
(DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION BUREAU,ALAPPUZHA).**
- 2. MANEESH KUMAR,S/O.SOMANATHAN,
VANCHIPURAKKAL HOUSE,PUTHIYAVILA MURI,
KANDALLOOR VILLAGE,KANDALLOOR P.O.
KARTHIKAPPALLY TALUK,ALAPPUZHA-690535.**

**R1 BY PUBLIC PROSECUTOR SMT.S.HYMA.
R2 BY ADVS.SRI.R.PADMAKUMAR
SRI.P.ARAVIND**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 03-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE A1:PHOTOCOPY OF CERTIFICATE OF B.A.DEGREE OF THE
PETITIONER ISSUED BY THE KERALA UNIVERSITY.**

**ANNEXURE A2:PHOTOCOPY OF CERTIFICATE OF M.A.DEGREE OF THE
PETITIONER ISSUED BY THE KERALA UNIVERSITY.**

**ANNEXURE A3:PHOTOCOPY OF THE ORDER DATED 3.5.2014 ISSUED BY THE
UNIVERSITY OF KERALA TO THE PETITIONER.**

**ANNEXURE A4:PHOTOCOPY OF THE PROCEEDINGS OF DGP, KERALA
DATED 27.1.2006.**

**ANNEXURE A5:PHOTOCOPY OF DGO NO.182/2008 OF THE DGP
DATED 7.2.2008.**

**ANNEXURE A6:PHOTOCOPY OF THE COMMENDATION ISSUED BY THE DGP
DATED 29.10.2014.**

**ANNEXURE A7:PHOTOCOPY OF THE REPORT OF TRANSFER OF CHARGE
DATED 27.6.2008.**

**ANNEXURE A8:PHOTOCOPY OF THE COMPLAINT FILED BY THE 2ND
RESPONDENT BEFORE THE HOME MINISTER.**

**ANNEXURE A9:PHOTOCOPY OF THE RELEVANT EXTRACT OF THE PETITION
REGISTER OF THE DY.S.P., CHENGANNOOR.**

**ANNEXURE A10:PHOTOCOPY OF THE COMPLAINT FILED BY THE 2ND
RESPONDENT BEFORE THE CHIEF MINISTER.**

**ANNEXURE A11:PHOTOCOPY OF THE REPORT FILED BY THE DY.S.P., CRIME
DETACHMENT BEFORE THE POLICE CHIEF, ALAPPUZHA.**

**ANNEXURE A12:PHOTOCOPY OF THE CRL.M.P.NO.606/2009 FILED BY THE 2ND
RESPONDENT BEFORE THE COURT BELOW AND THE ORDER
PASSED COURT AND THE COVERING LETTER.**

**ANNEXURE A13:PHOTOCOPY OF THE VIGILANCE ENQUIRY REPORT NO.VE
3/2010/ALP DATED 20.9.2010 WITH FORWARDING
ENDORSEMENT OF THE S.P., VACB, EASTERN RANGE
KOTTAYAM.**

**ANNEXURE A14:PHOTOCOPY OF THE QUICK VERIFICATION REPORT FILED BY
THE DY.S.P, VACB, ALAPPUZHA DATED 9.10.2013.**

**ANNEXURE A15:PHOTOCOPY OF THE ORDER DATED 1.4.2014 IN
CRL.M.P.NO.606/2009 OF THE VIGILANCE COURT, KOTTAYAM.**

**ANNEXURE A16:PHOTOCOPY OF THE ADDITIONAL STATEMENT OF THE 2ND
RESPONDENT TAKEN BY THE ENQUIRY OFFICER
DATED 17.7.2014 AS PER THE DIRECTION OF THE COURT
BELOW.**

**ANNEXURE A17:PHOTOCOPY OF THE REPORT DATED 4.8.2014 FILED BY THE
ENQUIRY OFFICER BEFORE THE COURT BELOW.**

**ANNEXURE A18:PHOTOCOPY OF THE ORDER DATED 25.11.21014 IN
CRL.M.P.NO.606/2009 OF THE ENQUIRY COMMISSIONER AND
SPECIAL JUDGE (VIGILANCE) COURT, KOTTAYAM.**

**ANNEXURE A19:PHOTOCOPY OF THE FIR NO.6/15/ALP REGISTERED BY THE
VACB, ALAPPUZHA UNIT DATED 15.1.2015.**

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No. 1488 of 2015

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Dated this the 3rd day of June, 2015

O R D E R

The prayers in this Crl.M.C. seeking the invocation of this Court's inherent powers conferred under Sec.482 of the Code of Criminal Procedure, are as follows:

“..... to quash Annexure A-18 order dated 25.11.2014 in Crl.M.P.606/2009 and Annexure A-19 FIR No.6/15/ALP dated 15.01.2015 registered by the Vigilance and Anti Corruption Bureau, Alappuzha Unit by allowing this Criminal Miscellaneous Case, in the interest of justice.”

2. Heard Sri.G.Bhagavat Singh, learned counsel for the petitioner, Sri.R.Padmakumar, learned counsel for the contesting respondent No.2 and the learned Public Prosecutor appearing for the 1st respondent–State of Kerala.

3. The learned Public Prosecutor submitted, on instructions, that the entire impugned proceedings arose out of the complaints made by the 2nd respondent against the petitioner and that the enquires made by the Deputy Superintendent of Police, Vigilance and Anti Corruption Bureau, Alappuzha, has revealed that the

complaint is false and baseless and that further proceedings need not be continued as against the petitioner. This, the learned Public Prosecutor would submit that, would be evident from Anxs.A-13 and A-14. Sri.R.Padmakumar, learned counsel appearing for the 2nd respondent submits that it is true that the entire impugned proceedings initiated and continued against the petitioner arose out of the complaints made by the 2nd respondent and that the 2nd respondent now realises that the said complaints were made based on misconception of the actual state of affairs and that the 2nd respondent will not insist for continuance of the impugned criminal proceedings against the petitioner and that he has no objection for granting the prayers sought for in this Crl.M.C. to the petitioner. The learned Public Prosecutor would also submit that the State has no objection in granting the prayers sought for in this Crl.M.C. In this view of the matter, after hearing all the parties concerned it is ordered that the impugned Anx.A-18 order dated 25.11.2014 passed in Criminal Miscellaneous Petition No.606/2009 and the impugned Anx.A-19 FIR No.6/15/ALP dated 15.1.2015 stand quashed. Consequently, all further proceedings arising from those

impugned orders pending against the petitioner will also stand accordingly, quashed.

The Crl.M.C. stands disposed of accordingly.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge