

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

CrI.MC.No. 1397 of 2013 ()

**AGAINST THE ORDER IN CRL.MC 801/2012 of SESSIONS JUDGE (VACATION COURT),
ERNAKULAM DATED 2.5.2012**

CRIME NO. 468/2012 OF FORT KOCHI POLICE STATION

PETITIONER:

**ANWAR M.K., AGED 29 YEARS
S/O.KOYA, CC NO.II/759, LASER LANE
CHIRATTAPPALAM, FORT KOCHI P.O. - 682 001
ERNAKULAM DISTRICT.**

**BY ADVS.SRI.P.P.SUBHASH CHANDRAN
SRI.SHAJI THANKAPPAN**

RESPONDENTS:-

- 1. SUB INSPECTOR OF POLICE,
FORT KOCHI POLICE STATION.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
- 3. RAMLATH, AGED 30 YEARS
W/O.YOUSEPH, CC.NO.II/1335, CHIRATTAPPALAM
FORT KOCHI P.O. - 682 001, ERNAKULAM DISTRICT.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. BINDU GOPINATH

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

APPENDIX

PETITIONER'S ANNEXURES

ANNEXURE A1. THE CERTIFIED COPY OF FIR DATED 12.04.2012 OF FORT KOCHI POLICE STATION CRIME NO.468/2012.

ANNEXURE A2. THE CERTIFIED COPY OF THE FIRST INFORMATION STATEMENT DATED 12.04.2012 OF FORT KOCHI POLICE STATION CRIME NO.468/2012.

ANNEXURE A3. A TRUE PHOTOCOPY OF THE ORDER OF SESSIONS COURT ERNAKULAM IN CRIMINAL M.C.NO.329/2012 DATED 23.02.2012.

ANNEXURE A4. A TRUE PHOTO COPY OF THE ANTICIPATORY BAIL ORDER OF SESSIONS COURT ERNAKULAM IN CRIMINAL M.C.NO.801/2012 DATED 02.05.2012.

ANNEXURE A5. A TRUE PHOTO COPY OF THE FIR DATED 23.05.2012 OF FORT KOCHI POLICE STATION CRIME NO.645/2012.

ANNEXURE A6. A TRUE PHOTO COPY OF THE PRIVATE COMPLAINT FILED BY THE THIRD RESPONDENT DATED 21.05.2012.

ANNEXURE A7. A TRUE PHOTO COPY OF THE ANTICIPATORY BAIL ORDER OF SESSIONS COURT ERNAKULAM IN CRIMINAL M.C.NO.1235/2012 DATED 23.06.2012.

RESPONDENTS' ANNEXURES

NIL

//True copy//

P.A. TO JUDGE

SHG/

K. ABRAHAM MATHEW, J.

Crl.M.C.No.1397 of 2013

Dated this the 2nd day of February, 2015

ORDER

This petition has been filed by the sole accused in crime No.468/2012 of Fort Kochi Police Station to quash the proceedings in the case. The allegation is that he trespassed into the house of the third respondent threatened to cause her death and assaulted her and he thus committed the offences under Sections 354, 452 and 506 of I.P.C. The F.I.R. is sought to be quashed on the ground that the F.I. Statement does not disclose commission of the offences.

2. Heard.

3. The learned Public Prosecutor submits that final report was filed on 9.5.2012. This petition was filed suppressing the filing of the final report. That apart, if the materials relied on by the prosecution in support of the final

report do not reveal commission of any offence, the proper remedy of the petitioner is to plead for a discharge in the trial court. This petition has no merits.

In the result, this Crl.M.C is dismissed.

Sd/-
K. ABRAHAM MATHEW
JUDGE

//True copy//

P.A. TO JUDGE

shg/