

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

Crl.MC.No. 1401 of 2013 ()

**AGAINST THE ORDER IN CRL.MC 1235/2012 of SESSIONS COURT, ERNAKULAM
DATED 23.6.2012**

CRIME NO. 645/2012 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
SRI.JAYAPRAKASH J.**

RESPONDENTS:

- 1. CIRCLE 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:**

Crl.MC.No. 1401 of 2013 ()

APPENDIX

PETITIONER'S ANNEXURES

ANNEXURE A1. THE CERTIFIED COPY OF FIR DATED 23.05.2012 OF FORT KOCHI POLICE STATION CRIME NO.645/2012.

ANNEXURE A2. THE CERTIFIED COPY OF THE PRIVATE COMPLAINT FILED BY THE THIRD RESPONDENT DATED 21.05.2012.

ANNEXURE A3. A TRUE PHOTO COPY OF ANTICIPATORY BAIL ORDER OF SESSIONS COURT, ERNAKULAM IN CRIMINAL M.C.NO.1235/2012 DATED 23.06.2012.

ANNEXURE A4. A TRUE PHOTO COPY OF THE ORDER OF SESSIONS COURT ERNAKULAM IN CRL.M.C.NO.329/2012 DATED 23.02.2012.

ANNEXURE A5. A TRUE PHOTO COPY OF ANTICIPATORY BAIL ORDER OF SESSIONS COURT ERNAKULAM IN CRL.M.C.NO.801/2012 DATED 02.05.2012.

ANNEXURE A6. A TRUE PHOTO COPY OF FIR DATED 12.04.2012 OF FORT KOCHI POLICE STATION CRIME NO.468/2012.

ANNEXURE A7. A TRUE PHOTO COPY OF THE FIRST INFORMATION STATEMENT DATED 12.04.2012 OF FORT KOCHI POLICE STATION CRIME NO.468/2012.

RESPONDENTS' ANNEXURES

NIL

//True copy//

P.A. TO JUDGE

Shg/

K. ABRAHAM MATHEW, J.

Crl.M.C.No.1401 of 2013

Dated this the 2nd day of February, 2015

ORDER

The petitioner is the sole accused in crime No.645/2012 of Fort Kochi Police Station registered for the offences under Sections 441 and 376 of I.P.C. The proceedings is sought to be quashed on the ground that the allegations are false and there is nothing to show that the petitioner has committed the offences.

2. Heard.

3. The learned Public Prosecutor submits that the Investigating Officer filed the final report in the appropriate court on 27.7.2012 for the offences under Sections 376, 441 and 506 of I.P.C. This Crl.M.C. was filed after the filing of the final report. On that ground alone the Crl.M.C has to be dismissed. That apart if the materials relied on by the prosecution in support of the final report do not disclose commission of any offence the proper remedy for the

petitioner is to plead for discharge in the trial court. This Crl.M.C. is misconceived.

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

Sd/-
K. ABRAHAM MATHEW
JUDGE

//True copy//

P.A. TO JUDGE

shg/