

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 31ST DAY OF AUGUST 2015/9TH BHADRA, 1937

Crl.MC.No. 2740 of 2015

**CRL.MP 13331/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - II, KOLLAM
CRIME NO. 383/2015 OF ERAVIPURAM POLICE STATION, KOLLAM**
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PETITIONER(S):

1. DALAPPAN VICTOR, AGED 58,
S/O.VICTOR, R/AT PARADISE, THANNI,
KOCHUTHOPPIL, THEKKUMBHAGAM CHERRY, MAYYANAD P.O.,
ERAVIPURAM VILLAGE, KOLLAM-691 303.
2. AJU DALAPPAN, AGED 32 YEARS,
S/O.DALAPPAN, R/AT PARADISE, THANNI,
KOCHUTHOPPIL, THEKKUMBHAGAM CHERRY, MAYYANAD P.O.,
ERAVIPURAM VILLAGE, KOLLAM-691 303.
3. ROMEO YUGIN, AGED 40 YEARS,
S/O.YUGIN, R/AT ADICHAMMAN THOPPU, THANNI,
THEKKUMBHAGAM CHERRY, MAYYANAD P.O.,
ERAVIPURAM VILLAGE, KOLLAM-691 303.
4. GEORGE JOHNNY, AGED 55 YEARS,
S/O.JOHN, R/AT FISHERMEN COLONY, THANNI,
THEKKUMBHAGAM CHERRY, MAYYANAD P.O.,
ERAVIPURAM VILLAGE, KOLLAM-691 303.
5. JOHN, AGED 60 YEARS,
R/AT J.J.BHAVAN, KATTIL PURAIYDOM, THANNI,
THEKKUMBHAGAM CHERRY, MAYYANAD PO,
ERAVIPURAM VILLAGE, KOLLAM-691 303.
6. FREDINANT YUGIN @ FREDDY, AGED 55 YEARS,
R/AT FEBIN NIVAS, FISHERMEN COLONY, THANNI,
THEKKUMBHAGAM CHERRY, MAYYANAD P.O.,
ERAVIPURAM VILLAGE, KOLLAM-691 303.
7. DEEPU SIGNI, AGED 30 YEARS,
R/AT DEEPALAYAM HOUSE, ADICHAMMAN THOPPU, THANNI,
THEKKUMBHAGAM , MAYYANAD PO, ERAVIPURAM VILLAGE,
KOLLAM-691 303.

msv/

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8. JOHNSON SYRON, AGED 40 YEARS,
S/O.SYRON, R/AT KOCHUMURY VEEDU, THANNI,
THEKKUMBHAGAM CHERRY, MAYYANAD PO,
ERAVIPURAM VILLAGE, KOLLAM-691 303.
9. ALEXANDER ANDREWS & SOYAN, AGED 38 YEARS,
S/O.ANDREWS, MICHLE VILLA, KOCHUTHOPPU,
THANNI, THEKKUMBHAGAM, MAYYANAD P.O.,
ERAVIPURAM VILLAGE, KOLLAM-691 303.
10. NITESH GOMEZ, AGED 32 YEARS,
VICAR, ST. MICHLE'S CHURCH, THANNI,
THEKKUMBHAGAM CHERRY, MAYYANAD P.O.,
ERAVIPURAM VILLAGE, KOLLAM-691 303.

BY ADVS.SMT.T.S.MAYA (THIYADIL)
SRI.K.RAJEEV (THIYADIL)
SMT.K.A.SUNITHA

RESPONDENT(S):

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
[THE SUB INSPECTOR OF POLICE,
ERAVIPURAM POLICE STATION], PIN - 691 011.

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
31-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE 1 : CERTIFIED COPY OF THE FIR 383/2015 OF ERAVIPURAM POLICE STATION DATED 4-3-2015 & CMP 13331/15 OF JFCM COURT II, KOLLAM DATED 24-2-2015.

ANNEXURE 2 : COPY OF THE FIR 99/2015 OF ERAVIPURAM POLICE STATION DATED 16-1-2015.

ANNEXURE 3 : COPIES OF MANORAMA, MATHRUBHUMI, MADHAYAMAM, KERALA KAUMUDI, JANAYUGAM DATED 17-1-15 & 18-1-15.

ANNEXURE 4 : COPY OF THE MASS PETITION FILED BY THE NATIVES BEFORE THE RESPONDENT DATED 17-1-2015.

ANNEXURE 5 : COPY OF THE PETITION AND RECEIPT FILED BY THE NATIVES BEFORE THE DGP THIRUVANANTHAPURAM DATED 4-2-2015.

ANNEXURE 6 : COPY OF THE PLAINT IN OS 99/2015 FILED BY THE DEFACTO COMPLAINT DATED 22-1-2015.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msv/

B. KEMAL PASHA, J.

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Dated this the 31st day of August, 2015

ORDER

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Annexure-I FIR in Crime No.383/2015 of the Eravipuram Police Station registered against the petitioners alleging offences punishable under Sections 147 and 304 read with Section 149 IPC is sought to be quashed.

2. The aforesaid crime has been registered on the basis of a private complaint filed before the Judicial First Class Magistrate's Court, Kollam, which was referred to the police under Section 156(3) Cr.P.C. The case of the complainant in short is that his father was beaten up in connection with a dispute over a property at the premises of a Church, whereby he died. After the incident, the deceased was allegedly taken to a hospital wherein he died. Without any objection and by avoiding the postmortem examination, the body was taken away by the complainant and was

buried. After one and half months, the aforesaid private complaint was filed, on the basis of which the present crime has been registered.

3. On hearing the submissions made by the learned Public Prosecutor, it has come out that the investigation is only at its infancy. Let the matter be investigated by the police and let them file a final report in the matter. There is no reason to stall the investigation at present. The matter has to be investigated.

4. This CrI.M.C. is too premature. Even in case of a final report in the matter, the petitioners can move the Sessions court under Section 227 Cr.P.C, in case it involves a sessions offence.

With the said observations, this CrI.M.C. is closed.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/31/08

*// True Copy //*

*PA to Judge*