

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

Crl.MC.No. 2926 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN CC 188/2015 of J.M.F.C.-II, KANNUR
CRIME NO. 1151/2013 OF VALAPPATANAM POLICE STATION , KANNUR

PETITIONER(S)/2ND ACCUSED:

DOMETTILLA SEQUEIRA, AGED 47 YEARS,
D/O.KENNET SEQUEIRA, SILVER BELLS, A.K.G.ROAD
THAZHECHOVVA, KANNUR.

BY ADVS.SRI.V.V.SURENDRAN
SRI.P.A.HARISH

RESPONDENT(S)/COMPLAINANT AND STATE:

1. THE STATION HOUSE OFFICER,
VALAPPATTANAM POLICE STATIONKANNUR 670 010.

2. A.SAJITHA,
W/O.K.P.SATHEESAN, RESIDING AT PONNIATH HOUSE
PANANKAVU, P.O.CHINAKKAL, KANNUR - 670 011.

3. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

R BY PUBLIC PROSECUTOR SMT.M.G.LISHA

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 18-12-
2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 2926 of 2015 ()

APPENDIX

PETITIONER(S) ' EXHIBITS

ANNEXURE A1: TRUE COPY OF THE FIRST INFORMATION REPORT DATED 16/11/2013.
ANNEXURE A2: CERTIFIED COPY OF THE FINAL REPORT
ANNEXURE A3: TRUE COPY OF THE AGREEMENT INTENDED INTO BETWEEN THE
PETITIONER, SAHTEENSAN AND ANURAG
ANNEXURE A4: TRUE COPY OF THE AWARD PASSED BY THE LOK ADALATH
ANNEXURE A5: TRUE COPY OF THE SUMMONS

RESPONDENT(S) ' EXHIBITS

NIL

/TRUE COPY/ PS TO JUDGE.

SUNIL THOMAS, J.

Crl.M.C. No.2926 of 2015

Dated this the 18th day of December, 2015

O R D E R

The second accused in C.C.No.188/2015 of the Judicial First Class Magistrate-II, Kannur, which arise from FIR No.1151/2013 of Valapattanam police station, is the petitioner herein.

2. The defacto complainant alleged that on 11/11/2013 and 15/11/2013, she got anonymous calls in her mobile threatening that, if her husband does not withdraw a case filed against the caller, husband would be done away with. She laid a complaint before the police, pursuant to which the crime was registered. After investigation, final report was filed for offence punishable under Section 507 read with Section 34 IPC and Section 118(d) of the Kerala Police Act arraying the petitioner herein as the second accused and another person as the first accused. Contending that no material is available to link the petitioner with the phone calls, that the dispute

between the petitioner herein and the husband of the defacto complainant has been settled, and that no purpose will be served by proceeding with the trial, the petitioner has approached this Court seeking to quash the proceedings, under Section 482 of the CrI.P.C.

3. Heard the learned counsel for the petitioner and the learned public prosecutor, who made available the case diary.

4. According to the prosecution, investigation revealed that the calls, that were received by the defacto complainant, were traced to a telephone number, which was allotted to one Narayani. There are materials to indicate that the grandson of Narayani was using it, who ultimately entrusted it to the first accused herein. The prosecution is relying on the call details to link calls to the mobile phone of the defacto complainant and also oral testimony of few witnesses to connect both the accused.

5. In the light of the available materials, I am not inclined to exercise the jurisdiction under Section 482 of the CrI.P.C. Hence, the petition is dismissed. However, it is made clear that no comment is made regarding the merits of the case and

dismissal will not preclude the petitioner from seeking discharge before the court below. If appropriate application is filed seeking personal exemption of the petitioner herein, the court below shall consider it in accordance with law.

Sd/-

**SUNIL THOMAS,
Judge.**

dpk

/true copy/ PS to Judge.

