

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

Crl.MC.No. 1879 of 2013 ()

AGAINST THE ORDER IN CC 279/2012 of J.M.F.C.-V, KOZHIKODE.

PETITIONER(S)/ACCUSED:

**SHAHUL HAMEED M.P., AGED 37 YEARS,
S/O.NOORUDEEN, MUTHIRAPARAMBATH HOUSE,
VAIDYARANGADI P.O., KOZHIKODE 673 633.**

**BY ADVS.SRI.V.JOHN SEBASTIAN RALPH
SMT.PREETHY KARUNAKARAN
SMT.SANJANA R.NAIR
SRI.BIMAL PRASAD
SRI.K.J.JOSEPH (ERNAKULAM)
SRI.V.JOHN THOMAS**

RESPONDENT(S)/RESPONDENT:

- 1. STATE OF KERALA,
REPRESENTED BY THE S.I. OF POLICE,
FEROKE POLICE STATION, KOZHIKODE,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM, COCHIN 682 031.**
- 2. P. SUJANAPAL, AGED 60 YEARS, (ADDL. R2 IMPEADED)
S/O. SEKHARAN, PALANGADATH HOUSE,
AREEKKAD, NALLALAM P.O.,
KOZHIKODE - 673 027.**

**ADDL.R2 BY ADV. SRI.P.V.KUNHIKRISHNAN
R1 BY PUBLIC PROSECUTOR SMT. V.H. JASMINE.**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 30-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

:2:

Crl.MC.No. 1879 of 2013 ()

APPENDIX

PETITIONER(S)' EXHIBITS

:

**ANNX.1 - CERTIFIED COPY OF THE FINAL REPORT CC NO.279/2012 ON THE
FILE OF THE JFCM COURT V, KOZHIKODE.**

RESPONDENT(S)' EXHIBITS

:

NIL

//True Copy//

P.A. to Judge

SS

K. RAMAKRISHNAN, J.

.....
Crl. M.C. No.1879 of 2013

.....
Dated this the 30th day of March, 2015

ORDER

The above petition was filed by the accused in C.C.No.279/2012 of Judicial First Class Magistrate Court-V, Kozhikode, to quash the proceedings under Section 482 of the Code of Criminal Procedure (hereinafter called 'the Code').

2. Crime No.540/2011 of Feroke police station, Kozhikode, was registered on the basis of a private complaint filed by the additional second respondent against the petitioner before the Judicial First Class Magistrate Court-V, Kozhikode, which was forwarded to the police for investigation under Section 156(3) of the Code of Criminal Procedure. After investigation, Annexure-I final report was filed and it was taken on file as C.C.No.279/2012 on the file of the Judicial First Class Magistrate Court-V, Kozhikode,

against the petitioner, alleging offences under Section 419, 420, 465, 468 and 471 of the Indian Penal Code. According to the petitioner, the allegations are not sufficient to attract none of the offences alleged and proceeding of the case will amount to abuse of process of court. So he has no other remedy, except to approach this court, seeking the following reliefs:

- (a) quash Annexure-1 proceedings in the court below in C.C.No.229/2012 on the file of the Judicial First Class Magistrate Court-V, Kozhikode.
- (b) to direct the trial court to discharge the petitioner.

3. After arguing for some time, when this court expressed that, it is not a fit case to invoke the power under Section 482 of the Code of Criminal Procedure to quash the proceedings, the counsel for the petitioner sought permission to withdraw this petition with liberty to file application for discharge before the concerned court. The above submission is recorded, permission is granted and the petition is dismissed as withdrawn with liberty for the petitioner to file application for discharge before the

concerned magistrate court and to take all the contentions raised by him in this petition. Learned magistrate is directed to consider and dispose of the petition in accordance with law.

Interim order of stay granted as per the order in Crl.M.A.No.3970/2013 is vacated and the petition is dismissed.

Parties are directed to appear before the court below on 25.05.2015. Office is directed to communicate this order to the concerned court, immediately.

Sd/-

K. Ramakrishnan, Judge

// True Copy//

P.A. to Judge