

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

Crl.MC.No. 3343 of 2015 ()

**CC.NO. 456/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KALADY
CRIME NO. 267/2011 OF AYYAMPUZHA POLICE STATION , ERNAKULAM DISTRICT**

PETITIONER(S)/ACCUSED NO. 1 TO 3:

1. MARY, AGED 63 YEARS,
W/O. URUMESE, THOTTAKKARA HOUSE, ERAPPU,
CHULLI P.O., AYYAMPUZHA VILLAGE, ALUVA TALUK,
ERNAKULAM - 683 581.
2. URUMESE, AGED 73 YEARS,
S/O. LATE POULO, THOTTAKKARA HOUSE, ERAPPU,
CHULLI P.O., AYYAMPUZHA VILLAGE, ALUVA TALUK,
ERNAKULAM - 683 581.
3. MINI, AGED 40 YEARS,
D/O. URUMESE, THOTTAKKARA HOUSE, ERAPPU,
CHULLI P.O., AYYAMPUZHA VILLAGE, ALUVA TALUK,
ERNAKULAM - 683 581.

**BY ADVS.SRI.K.C.ELDHIO
SRI.JIJO THOMAS
SRI.M.REVIKRISHNAN**

RESPONDENT(S)/DEFACTO COMPLAIANANT AND STATE:

1. POLACHAN @ PAUL,
S/O. VARGHESE, AREKKAL VEEDU, IRAPPU CHULLI,
AYYAMPUZHA VILLAGE, CHULLI P.O., AYYAMPUZHA VILLAGE,
ALUVA TALUK, ERNAKULAM - 683 581.
2. STATE OF KERALA,
REPRESENTED BY PUBLI PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, COCHIN - 682 031.

R2 BY PUBLIC PROSECUTOR SMT. P.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 03-09-2015,ALONG WITH CRL.M.C.NO.6947 OF 2014, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 3343 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEX A - A TRUE COPY OF THE FINAL REPORT IN CRIME NO. 267/2011 OF
 AYYAMPUZHA POLICE STATION, ERNAKULAM RURAL.**
- ANNEX B- A TRUE COPY OF THE ORDER IN IA NO. 1193/11 IN OS NO. 270/11 OF
 THE MUNSIFF'S COURT, ALUVA.**
- ANNEX C - A TRUE COPY OF THE JUDGMENT IN WPC NO. 24633/2011 DT. 07.9.11.**
- ANNEX D - A TRUE COPY OF THE ORDER DT. 04.3.15 IN CRL. M.A NO.
 11288/2014 IN CRL.M.C NO. 6947/14 OF THIS HON'BLE COURT.**

RESPONDENT(S)' ANNEXURES: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

B.KEMAL PASHA, J.

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Crl.M.C. No. 3343 of 2015

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Dated this the 3rd day of September, 2015

O R D E R

Petitioners are the accused in Crime No.267/2011 of the Ayyampuzha Police Station, Ernakulam, presently pending as C.C.No.456/2014 before the Judicial First Class Magistrate's Court, Kalady for the offences punishable under Sections 323, 341 and 294(b) read with Section 34 IPC. Petitioners have come up to get Annexure A Final Report in the said crime quashed.

2. According to the petitioners, the 1st respondent, who is the de facto complainant is their neighbour and they were in logger heads on account of the pendency of a civil suit between them. The defendants in the said suit are the witnesses in the final report.

3. The case of the petitioners is that the crime registered against them and the consequent final report is an offshoot of the civil suit that was filed by the petitioners

against the 1st respondent. According to them, an order of temporary injunction was procured by the 1st respondent and it was based on the same, they are falsely implicated in a case like this.

4. On going through the materials and on hearing the learned counsel for the petitioners and the learned Public Prosecutor, this Court is of the view that, presently, it cannot be said that there are no materials in this case against the petitioners.

This Crl.M.C is devoid of merits and is only to be dismissed and I do so.

Sd/-
B.KEMAL PASHA, JUDGE

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//True copy//

P.A to Judge