

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 12TH DAY OF JUNE 2015/22ND JYASHTA, 1937

Crl.MC.No.3520 of 2015

CC NO.430/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ALUVA.

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PETITIONER'S:

1. **VARGHESE TITO,S/O.RAPHEL,VADACKAL HOUSE,
THAIKKATTUKARA P.O, ALUVA-6.**
2. **ANNIE RAPHEL,W/O.RAPHEL,VADACKAL HOUSE,
THAIKKATTUKARA P.O, ALUVA-6.**
3. **TRESA HILARY @ HEERA JAMES,VILLANASSERY HOUSE,
PERUMBAVOOR,KOCHI-15.**
4. **V.R.THOMAS,S/O.RAPHEL,VADACKAL HOUSE,
THAIKKATTUKARA P.O, ALUVA-6.**

BY ADV. SRI.ALEXANDER PETER

RESPONDENT'S:

1. **STATE OF KERALA,REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.**
2. **THE SUB INSPECTOR OF POLICE,ALUVA POLICE STATION,
ALUVA,ERNAKULAM DISTRICT.**

BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1:THE CERTIFIED COPY OF THE FIR NO.504/2005 DATED 28.4.2005 OF ALUVAPOLICE STATION BEFORE THE JUDICIAL 1ST CLASS MAGISTRATE COURT-1,ALUVA.

ANNEXURE A1(a):CERTIFIED COPY OF THE FI STATEMENT IN ANNEXURE A1 FIR.

ANNEXURE A2:CERTIFIED COPY OF THE CHARGE SHEET IN C.C 430/13 DATED 23.7.2013 FOR OFFENCE UNDER SECTION 498A IPC BEFORE THE JUDICIAL 1ST CLASS MAGISTRATE COURT-1, ALUVA.

ANNEXURE A3:PHOTOCOPY OF THE COMPROMISE SETTLEMENT IN MALAYALAM ENTERED DATED 23.9.2010 ENTERED OUT OF COURT BETEEN THE APPELLANT AND RESPONDENT IN MAT APPEAL NO.863/2009 BEFORE THE HONOURABLE HIGH COURT OF KERALA.

ANNEXURE A4:PHOTO COPY OF THE ENGLISH TRANSLATION OF THE COMPROMISE SETTLEMENT DATED 23.9.2010 ENTERED OUT OF COURT BETWEEN THE APPELLANT AND RESPONDENT IN MAT APPEAL NO.863/2009 BEFORE THE HONOURABLE HIGH COURT OF KERALA.

ANNEXURE A5:PHOTOCOPY OF THE DD NO.178628 OF FEDERAL BANK LTD., ERNAKULAM FOR AN AMOUNT OF RS 10 LAKHS IN FAVOUR OF SINCY C.S.

ANNEXURE A6:PHOTOCOPY OF THE FIXED DEPOSIT NO.0427638 FOR RS 5 LAKHS IN FAVOUR OF MINOR SON TEJUS.

ANNEXURE A7:PHOTOCOPY OF THE JUDGMENT DATED 6.4.2011 IN MAT APPEAL NO.863/2009 OF HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM.

ANNEXURE A8:PHOTOCOPY OF THE NOTICE DATED 28.4.2015 OF THE SECRETARY,ALUVA TALUK LEGAL SERVICES COMMITTEE REQUIRING THE PETITIONERS TO APPEAR BEFORE THE ADALATH AT ALUVA COURT HALL ON 6.5.2015 WITH REGARD TO ANNEXURE A2 CHARGE SHEET IN C.C.430/2013.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

K. ABRAHAM MATHEW, J.

Crl.M.C. No.3520 of 2015

Dated this the 12th day of June 2015

O R D E R

Petition filed under Sec.482 Cr.P.C.

2. The petitioners are accused in C.C. No.430 of 2013 on the file of Judicial First Class Magistrate Court-I, Aluva. The prayer is to quash the proceedings in the criminal case on the ground that the Magistrate took cognizance of the offence after the period of limitation.

3. If that is true, the proper remedy of the petitioner is to bring the matter to the notice of the learned Magistrate who shall pass an order on merits.

With the above observations this Crl.M.C. is disposed of.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge