

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

Crl.MC.No. 2651 of 2013

CC 783/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ATTINGAL
CRIME NO. 1213/2011 OF ATTINGAL POLICE STATION, THIRUVANANTHAPURAM

.....
PETITIONER(S)/ACCUSED NO.2 TO 7:

1. JAMALUDEEN KUNJU, AGED 58 YEARS,
S/O.ABDUL RAHMAN KUNJU,
MANALUVETTATHU VEEDU, THEVELAKKARA, KOLLAM.
2. ARIFA BEEVI, D/O.ASIYA BEEVI, AGED 49 YEARS,
MANALUVETTATHU VEEDU THEVELAKKARA, KOLLAM.
3. SHIMI, D/O.ARIFA BEEVI, AGED 31 YEARS,
PUSHAPAGIRI VEEDU, SOUHRUDA NAGAR,
RANDAMKUTTY KILIYALLOOR, KOLLAM.
4. SHIBI, D/O.ARIFA BEEVI, AGED 28 YEARS,
DARULSALAM, ASARIMUKKU, MAINAGAPPALLY,
KOLLAM.
5. SHIBU, S/O.JAMALUDEEN KUNJU, AGED 29 YEARS,
MANALUVETTATHU VEEDU, THEVELAKKARA, KOLLAM.
6. HARIS, S/O.IBRAHIMKUTTY, AGED 46 YEARS,
AMMAYATHU VEEDU, KLAPPANA, OACHIRA,
KOLLAM.

BY ADVS.DR.S.GOPAKUMARAN NAIR (SR.)
SRI.M.CHANDRA BOSE
SRI.A.RAJASIMHAN

RESPONDENT(S)/STATE:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. FATHIMA, D/O.JAMEEN,
SANABAL COTTAGE, ALANCODE, MANAMBOOR,
THIRUVANANTHAPURAM.

R1 BY PUBLIC PROSECUTOR SMT.MAYA
R2 BY ADVS. SRI.RAM MOHAN.G.
SRI.G.P.SHINOD
SRI.MANU V.

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
03-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNX.A1 - CERTIFIED COPY OF THE FIR IN CRIME NO.1213 OF 2011 OF ATTINGAL
POLICE STATION.**

**ANNX.A2 - CERTIFIED COPY OF THE FINAL REPORT IN C.C.NO.783/2012 OF JUDICIAL
FIRST CLASS MAGISTRATE COURT-I, ATTINGAL.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B. KEMAL PASHA, J.

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Crl.M.C. No.2651 of 2013 A
.....

Dated this the 3rd day of November, 2015

ORDER

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Petitioners are the accused in CC No.783/2012 of the Judicial First Class Magistrate's Court-I, Attingal, for the offences punishable under Section 498A read with Section 34 IPC. The same has arisen from Crime No.1213/2011 of Attingal Police Station. According to the petitioners, they are unnecessarily dragged into this matter and the case has been falsely foisted against them at the instance of the de facto complainant, without making any specific allegations against the petitioners.

2. On hearing the learned counsel for the petitioners and the learned Public Prosecutor, this Court is of the view that the present stage is too premature to consider the merits or otherwise of the allegations against the petitioners. This Court cannot go into the intrinsic particulars of the

evidence collected by the investigating officer and weigh the evidence properly, at this stage. At the same time, the petitioners can move the court below under Section 239 Cr.P.C., in case they are entitled to. In case of such an application, the court below shall consider the matter and pass appropriate orders at the stage of Section 239 Cr.P.C.

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

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

aks/03/11

*// True Copy //*

*PA to Judge*