

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

Crl.MC.No. 4268 of 2015

MC 414/2014 OF SUB DIVISIONAL MAGISTRATE COURT, THIRISUR.
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PETITIONER:

**TOMI, S/O.OUSEPH,
KANJOOKARAN @ VALOOKARAN HOUSE,
NALUKETTU, KIZHAKKUMURI VILLAGE,
CHALAKKUDY TALUK, CHALAKKUDY.**

BY ADV. SRI.C.K.ANWAR

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SUB DIVISIONAL MAGISTRATE,
THRISSUR.**
- 3. SUB INSPECTOR OF POLICE,
KORATTY.**
- 4. SHIJOMON, S/O.LATE OUSEPH,
KANJOOKARAN @ VALOOKARAN HOUSE,
NALUKETTU, KIZHAKKUMURI VILLAGE,
CHALAKKUDY TALUK, CHALAKKUDY.**

R1TO R3 BY PUBLIC PROSECUTOR SRI.GITHESH.R

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 09-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE A1 :** COPY OF THE OS.331/2009 BEFORE THE HON'BLE MUNSIFF'S COURT CHALAKUDY.
- ANNEXURE-A2 :** COPY OF THE ORDER DATED 15.02.2013 MAINTENANCE TRIBUNAL,THRISSUR.
- ANNEXURE-A3 :** COPY OF THE COMPLAINANT DATED 24.10.2013 ROSY OUSEPH.
- ANNEXURE-A4 :** COPY OF THE LETTER DATED 07.10.2013 ISSUED BY MAINTENANCE TRIBUNAL,TRISSUR.
- ANNEXURE-A5 :** COPY OF THE COMPLAINT DATED 08.06.2010 BY ROSY OUSEPH BEFORE 3RD RESPONDENT WITH ACKNOWLEDGEMENT.
- ANNEXURE-A6 :** COPY OF THE COMPLAINANT DATED 04.03.2011 BY ROSY OUSEPH BEFORE 3RD RESPONDENT WITH ACKNOWLEDGEMENT.
- ANNEXURE-A7 :** SUMMONS ISSUED BY KERALA WOMEN'S COMMISSION TVM DATED 12.06.2013.
- ANNEXURE-A8 :** SUMMONS ISSUED BY KERALA STATE HUMAN RIGHTS COMMISSION TVM DATED 29.11.2014.
- ANNEXURE-A9 :** SUMMONS ISSUED BY KERALA LOK AYUKTA DATED 04.11.2014.
- ANNEXURE-A10 :** COPY OF THE ORDER DATED 30.03.2015 BY JFCM CHALAKUDY IN MC 264/13.
- ANNEXURE-A11 :** COPY OF THE ORDER DATED 30.03.2015 OF JFCM CHALAKUDY IN CRIME NO.1048/10.
- ANNEXURE A12 :** COPY OF THE ORDER DATED 01.04.2015 OF JFCM CHALAKUDY IN CRIME NO.645/13.
- ANNEXURE-A13 :** COPY OF THE ORDER DATED 1.4.2015 OF JFCM CHALAKUDY IN CRIME NO.1033/2013.
- ANNEXURE-A14 :** COPY OF THE ORDER DATED 30.03.2015 OF JFCM CHALAKUDY IN CRIME NO.724/13.
- ANNEXURE-A15 :** COPY OF THE FIR DATED 03.12.2014.
- ANNEXURE-A16 :** PRELIMINARY ORDER DATED 21.12.2014 BY 2ND RESPONDENT IN MC 414/14.

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ANNEXURE-A17 : PETITION TO RECALL WARRANT DATED 29.05.2015.

ANNEXURE-A18 : COUNTER STATEMENT 29.05.2015.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Dated this the 9th day of July, 2015

O R D E R

The matter in issue raised in this Criminal Miscellaneous Case is covered against the respondents by the legal principles laid down by this Court in Santhosh v. State of Kerala reported in 2014(3) KLT 837 as well as the judgment dated 19.12.2014 of this Court rendered in the case Sajeesh.K v. State of Kerala in Crl.M.C.No.7259/2014 and connected cases reported in 2014 SCC Online Ker. 27899 dealing with similar impugned proceedings under Sec. 107 of the Cr.P.C. The impugned order in this case is similar or almost identical to the one considered in the above said reported rulings of this Court.

2. Accordingly, in tune with the directions issued by this Court in the said reported decisions, the impugned order in this case is quashed with liberty to the Sub Divisional Magistrate concerned to take fresh action, if actually necessary, after complying with all the statutory procedural requirements and after applying the

legal principles laid down in the aforementioned reported rulings of this Court and in accordance with law.

With these observations and directions, the Crl.M.C stands finally disposed of.

Sd/- ALEXANDER THOMAS, JUDGE

MJL

