

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

CrI.MC.No. 4280 of 2015 ()

CRIME NO. 1250/2014 OF KAREELAKULANGARA POLICE STATION, ALAPPUZHA

PETITIONER/ACCUSED :

**RAJESH KRISHNAN
S/O. RADHAKRISHNAN, RAHUL BHAVANAN
KARTHIKAPPALLY TALUK, KANDALLOR VILLAGE
ALAPPUZHA DISTRICT.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENT/COMPLAINANT AND STATE :

- 1. THE SUB INSPECTOR OF POLICE
KAREELAKULANGARA POLICE STATION,
ALAPPUZHA DISTRICT.**
- 2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

R1 & R2 BY PUBLIC PROSECUTOR SRI. R. GITHESH

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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...2/-

Crl.MC.No. 4280 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE A1 : COPY OF THE FIR IN CRIME NO.1250/2014 OF
KAREELAKULANGARA POLICE STATION.**

**ANNEXURE A2 : COPY OF THE F.I STATEMENT GIVEN BY SAJEEV DATED
17.11.2014.**

ANNEXURE A3 : COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER.

ANNEXURE A4 : COPY OF THE APPLICATION SUBMITTED BY SUNIL KUMAR.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

ALEXANDER THOMAS, J.

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Crl.M.C.No. 4280 of 2015

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Dated this the 12th day of August, 2015

O R D E R

The prayer in this Crl.M.C. is as follows:

“..... to allow this application and quash Annexure A1 FIR in the interest of justice.”

2. As directed by this Court, the 1st respondent investigating officer, the Sub Inspector of Police, Kareelakulangara Police Station, Alappuzha district, has filed a statement dated 21.7.2015 in this matter. Paragraph 2 to 6 of the said statement dated 21.7.2015 read as follows:

“2. It is submitted that the case was registered on strength of the statement given by the Sajeew and Crime 1250/14 U/s.279, 337, 338 I.P.C. was registered. Later the statement of the witness and the mahazer were also prepared. Section 304(A) I.P.C. was included after the death of the injured Vinod.

3. It is submitted that the arrest of the accused Rajesh was recorded and he was enlarged on bail and section 3(1) r/w. 181 of M V Act was included for not possessing licence. Report for this matter was sent to the Hon'ble Court.

4. It is submitted that, RC owner was given notice to mention the name and address of the driver and he replied that he entrusted the lorry to Siyad, who is the custodian. He was also given notice and he gave reply in writing that Rajesh, the accused was driving the lorry at the time of accident.

5. It is submitted that, on investigation it is revealed that the accused Rajesh was driving the lorry dangerously and carelessly,

as as result of the accident Vinod expired. Later the accused Rajesh gave a complaint to the District Police Chief, Alappuzha.

6. Knowing that he will have to pay insurance claim and to avoid such situation, he approached the Hon'ble Court. So his request may please be rejected."

3. Heard Sri.O.D.Sivadas, learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the respondents.

4. In view of the aspects disclosed in the statement filed by the respondent investigating officer, this Court is of the considered opinion that no ground is called for interference and the main matter is closed with liberty to the petitioner to work out his remedies in accordance with law.

With these observations, this Crl.M.C. stands finally disposed of.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge