

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 31ST DAY OF AUGUST 2015/9TH BHADRA, 1937

CrI.MC.No. 4822 of 2015 ()

**CC.NO. 124/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
KOOHATTUKULAM
CRIME NO. 64/2015 OF KOOHATTUKULAM POLICE STATION, ERNAKULAM**

PETITIONERS/ACCUSED 1 & 2 :

1. LIBIN K.JOSE,
S/O.JOSE, KARINGADA HOUSE, KOOHATTUKULAM
ERNAKULAM DISTRICT.

2. DONA,
W/O.LIBIN K.JOSE,
KARINGADA HOUSE, KOOHATTUKULAM
ERNAKULAM DISTRICT.

**BY ADVS.SRI.P.V.SREENIVASAN
SRI.K.A.SREEJITH**

RESPONDENTS/STATE & COMPLAINANT :

1. STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE
KOOHATTUKULAM POLICE STATION
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA-682 031.

2. WILSON MATHEW,
S/O.MATHEW, VETHANIYIL HOUSE, KIYHAKOMBU KARA
KOOHATTUKULAM, ERNAKULAM DISTRICT-686 667.

R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 31-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

...2/-

APPENDIX

PETITIONERS' ANNEXURES :

ANNEXURE A1	THE TRUE COPY OF THE PRIVATE COMPLAINT PREFERRED BY 2ND RESPONDENT.
ANNEXURE A2	THE TRUE COPY OF FIRST INFORMATION REPORT SUBMITTED BY 1ST RESPONDENT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, KOOHATTUKULAM IN CRIME NO.64/2015.
ANNEXURE A3	TRUE COPY OF FINAL REPORT SUBMITTED BY 1ST RESPONDENT BEFORE JUDICIAL FIRST CLASS MAGISTRATE COURT, KOOHATTUKULAM IN CRIME NO.64/2015.
ANNEXURE-A4	TRUE COPY OF AGREEMENT.
ANNEXURE-A5	THE TRUE COPY OF PRIVATE COMPLAINT OF PETITIONER SUBMITTED BEFORE JUDICIAL FIRST CLASS MAGISTRATE COURT, KOOHATTUKULAM.
ANNEXURE-A6	THE TRUE COPY OF PROCEEDINGS ON REFERRAL REPORT.
ANNEXURE-A7	TRUE COPY OF THE MEDICAL CERTIFICATE AND DISCHARGE SUMMARY ISSUED FROM LAKESHORE HOSPITAL TO PETITIONER.
ANNEXURE-A8	THE TRUE COPIES OF RELEVANT PAGES OF PETITIONER'S PASSPORT.

RESPONDENT(S)' ANNEXURES : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

B. KEMAL PASHA, J.

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Crl.M.C. No.4822 of 2015
.....

Dated this the 31st day of August, 2015

ORDER

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Petitioners want to get Annexure-I and Annexure-II proceedings in C.C.No.124/2015 of the Judicial First Class Magistrate's Court, Koothattukulam in Crime No.64/2015 of the Koothattukulam Police Station, quashed. The allegation against the petitioners is that they have committed offences punishable under Sections 341, 323, 294(b) and 506(i) read with Section 34 IPC. The police have conducted an investigation and filed a final report.

2. According to the petitioners, the defacto complainant was in logger heads with them on account of communal hatred and, therefore, the case has been falsely foisted against them.

3. On hearing the submissions made by the learned counsel for the petitioners and on a perusal of the records,

this Court is of the view that the present stage is too premature to take a decision on the merits of the investigation and the consequent final report filed against the petitioners. Presently, I do not find any legal infirmity in the matter and, therefore, intervention of this Court under Section 482 Cr.P.C. Is not called for in the matter.

In the result, this CrI.M.C. is dismissed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/31/08

// True Copy //

PA to Judge