

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

Cr1.MC.No. 5085 of 2015

CRIME NO. 654/2015 OF PUDUNAGARAM POLICE STATION , PALAKKAD

PETITIONERS/ACCUSED NOS. 1 TO 3:

1. HAKKIM, AGED 39 YEARS,
S/O VELLA RAWTHER, NANGAMKURISSIYIL HOSUE,
THEKKE DESOM VILLAGE, CHITTUR TALUK,
PALAKKAD DISTRICT.
2. SAJI, AGED 40 YEARS,
S/O BALAKRISHNAN, KAMBILICHUNGAM VATTAMPOTTA HOUSE,
CHITTUR VILLAGE, CHITTUR TALUK.
3. AJI, AGED 44 YEARS,
S/O KITTU, THOTTAKARAYIL HOUSE, ELAPPULLY VILLAGE,
PALAKKAD TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.N.P.PRAJEESH

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA ERNAKULAM-682031.
2. SAJITHA,
W/O SANTHOSH, MOOPPANKULAM KAIRALI HOUSE,
VANDITHAVALAM VILLAGE, CHITTUR TALUK,
PALAKKAD DISTRICT-678101.

R1 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 5085 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A: CERTIFIED COPY OF THE FIR AND F.I STATEMENT IN
CRIME NO.654/2015 OF PUDUNAGARAM POLICE STATION.

ANNEXURE B: CERTIFIED COPY OF THE FIR AND F.I STATEMENT IN
CRIME NO.538/2015 OF CHITTUR POLICE STATION.

ANNEXURE A: COPY OF THE PETITION FILED BY THE COMPLAINANT.

ANNEXURE B: CERTIFIED COPY RELEVANT PAGE OF THE DIRECT
PETITION REGISTER.

ANNEXURE C: COPY OF THE PETITION FILED BY THE COMPLAINANT IN
THE KUBERA ADALATH.

ANNEXURE D: COPY OF THE RELEVANT PAGE OF SENIOR OFFICER'S
PETITION REGISTER.

ANNEXURE E: COPY OF THE ACKNOWLEDGEMENT RECEIPT ISSUED TO THE
COMPLAINANT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.5085 of 2015

Dated this the 18th day of August, 2015

O R D E R

The grievance of the petitioners herein is that on the very same complaint the police has registered two crimes against them; one by the Chittur Police as Crime No.538/2015 and the other by the Pudunagaram Police as Crime No.654/2015. Annexure A is copy of the FIR in the Pudunagaram Crime and Annexure B is copy of the FIR in the Chittur Crime.

2. On hearing both sides, and on a perusal of the materials, including the statement filed by the police, I find that only one crime can proceed, and the other will have to be quashed. It is reported that in the Chittur Crime the police has already submitted final report in court, and investigation is now proceeding in the Pudunagarm crime. That the police has registered the second FIR under Section 420 or 460 of the Indian Penal Code also is not a ground to continue investigation in the second crime. If such offences are there, the police will have to take necessary steps before the court. Instead of

proceeding properly with investigation in the first crime, the police wrongly registered another crime. This is not permissible under the law. In view of the report that the police has already submitted final report in the Annexure B crime, Annexure A crime will have to be quashed. If any offence is to be incorporated in the other case, the police will have to take necessary steps.

In the result, this Crl.M.C is allowed. The FIR and the further proceedings in Crime No.654/2015 of the Pudunagaram Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**

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